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OF THE
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OF THE
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RAILROAD FARES AND FREIGHTS.

REPORT

OF THE

Senate Committee on Corporations,

ON

SENATE BILLS NOS. 332, 319, AND 334,

AND

ASSEMBLY BILL NO. 182.

REPORT.

Mr. PRESIDENT: Your Committee on Corporations, to whom were referred Senate Bill No. 332, Assembly Bill No. 182, Senate Bill No. 319, and Senate Bill No. 134, have had the same under consideration, and now return said bills to the Senate with the following report and recommendations. Senator Lindsey, the author of Senate Bill No. 332, stated to the committee that the grounds covered by his measure were practically the same as those embodied in the Assembly bill, and requested the committee, in their deliberations, to allow the Assembly bill to take the place of the one introduced by him. For convenience throughout this report the Assembly bill will be designated as the "Archer bill," and Senate Bill No. 134 as the "O'Connor bill."

Your committee has given to the subject-matter involved in these measures such consideration as its importance demands, and the other senatorial duties required of us would permit. We are sensible of the great interests involved, and the agitation that the public mind has undergone in respect to railroad management, and the relations of the companies to the public interests. We have endeavored to give due consideration to the daily business intercourse existing between transportation companies and the community. We have realized the necessity for the enactment of a law more restrictive in its character, calculated to foster the leading industries of the State, to cripple none of them; and which, at the same time, would not impair the usefulness and efficiency of the transportation companies. We have recognized the strong desire of communities, not possessed of railroad conveniences, for the rapid construction of trunk and branch lines, and of the same desire on the part of the leading commercial centers to establish communication with the remote and more inaccessible districts of the coast. We have not been in doubt in respect to the right to readjust maximum rates, but the extent to which it could be wisely and judiciously exercised, and the mode and manner in which control should be enforced, we find full of embarrassment. The necessity for doing something effective, and that would realize the best public expectation, has been constantly confronted by the apprehension that in the lack of technical knowledge of the subject, positive injuries to the prosperity of the State might result from any law we might pass.

In view of the experience of other American States, in their efforts

of any law that seeks to classify roads and the business done by them. In Europe, a constant struggle to legislate for the public interest in respect to transportation companies has been going on for about forty years. The English Parliament has brought into requisition the services of her first statesmen, in the endeavor to solve the railroad problems. Charles Francis Adams, in the March number of the Atlantic Monthly, after reference to the positions occupied by the Duke of Wellington and Sir Robert Peel, says that a committee was appointed in eighteen hundred and seventy-two, including among its members, the Marquis of Salisbury, and the Earl of Derby, "which gave to the whole subject an intelligent consideration. Unlike its predecessors, that committee did not leave the railroad problem where it found it. On the contrary, they advanced it by one entire stage on the road to its solution. In the first place, after taking a vast amount of evidence, they proceeded to review the forty years of experience. The result of that review may be stated in a few words. They show with grim precision how, during that period, the English railroad legislation had never accomplished anything which it sought to bring about, nor prevented any thing which it sought to hinder." Further along Mr. Adams says: "Finally, the committee examined all those various panaceas for railroad abuses which are so regularly each year brought forward as novelties in the Legislatures of this country. To one familiar with the subject, the simple faith in which each law-maker brings forward as a new and hitherto unthought of solution of the whole trouble, some old familiar expedient which has been tried and has broken down time and again, would have in it something quite touching were it not so very tedious. All these the English committee now passed in merciless review. Equal mileage rates they found inexpedient as well as impossible; the favorite idea of a revision of rates and fares with a view to establishing a legal tariff sufficient to afford a fair return, and no more, on the actual cost of the railroads, they pronounced utterly impracticable."

In the fifth annual report of the Board of Railroad Commissioners of the State of Massachusetts it is said: "As regards fares and freights * * * the favorite subject for legislation, the framing of a practical railroad tariff, one which will even fairly conform to local and economical requirements, is the most difficult and perplexing task to which the more enlightened and experienced railroad managers are called upon to address themselves. It continually, also, becomes more perplexing and more difficult just as the system grows complex. Yet, until very recently, the idea among legislators has been almost universal that it required only the passage of some simple law, limited to a few sections, which almost any one could draw up after one hour's consideration, to regulate the whole subject on a wise, just, cheap, and permanent basis. Accordingly the statute books of all the States contain examples of enactments passed in this spirit of confident ignorance. Upon these this Board has had frequent occasion to comment in its previous reports, and their futility is now generally conceded."

Each of the bills before us proposes changes in the existing law and to re-adjust the basis on which business is to be conducted by the railway companies in this State. The purpose sought to be accomplished by each bill is the reduction of the present maxima, with a provision in one of the bills for the appointment of a Board

of Commissioners, clothed with certain supervisory authority, and especially in respect to extortion and unjust discrimination.

The Archer bill classifies roads according to their length, and then fixes a different tariff of rates, intended to be applied to each class respectively. To ascertain how far such a radical change would be beneficial to the public; how it would affect the growth of the State; how far the experience of other States would serve as a guide to the committee in considering the question, became at once the duty of the committee to examine and determine as wisely as possible.

The bill, as presented to us, evinced such a detailed consideration of the minutia of railroad business, that before undertaking an examination and decision, the representatives of the various railroads in this State, and others not connected therewith, were accorded a full and patient hearing before the committee. Arguments pro and con were presented, and carefully prepared sworn statements, comparing the charges to be allowed under the Archer bill with those now charged in this State, and also by various prominent Eastern roads, for like services, were submitted. Statements illustrating the effect in the decrease of earnings of various roads and portions of roads in this State, together with the relative amount of business now done on different portions of the Central Pacific road, were also made. A tabulated comparison of the rates to be allowed under this bill, and those which would have been allowed in the so-called "Freeman bill," were laid before us. Comparisons were also presented of the rates to be allowed on the staple products of the country, with the same classes of articles and for the same distances which were allowed under the "Potter law" of Wisconsin, lately repealed, on account of its unjust and objectionable character. All these statements of facts and tables of comparisons are to be found in the appendix to this report.

The line of inquiry, investigation, and argument, taken before the committee, together with the examination of the question itself, has convinced us that there are certain elements affecting the cost of railroad carriage and operations, that cannot properly be ignored in any attempt to fix a scale of rates to be charged for services performed. For illustration: the increase in the cost of grades as compared with level lines, an increase measured by the steepness of grade to be overcome, also to the element of curvature; these two elements necessarily demand increased motive power and extra weight of rails, which are subjected to greater wear and tear. This bill almost entirely ignores these two elements of cost, which, of necessity, enter largely into any tariff of rates to govern transportation on wheels, whether by rail or by the common roads of the country. One might as well ask and expect a teamster to haul his goods into the almost inaccessible cañons of our mountains for the same price as he would haul and deliver an equal load for a like distance on the plains.

The clause in the bill authorizing an advance of rates after reaching an elevation of fifteen hundred feet, does not affect the objection, for the reason that the most excessive grades and curves may have to be overcome before attaining that elevation.

For instance, the North Pacific Coast Railroad, as to which its President, Mr. Moore testified, presents a constant succession of maximum curves and grades; yet nowhere reaching such an elevation as to entitle it to charge the advance rates contemplated in this

bill. This road would be prohibited from charging any greater rates than would be allowed to it, if the country through which it passes was a dead level, instead of the mountainous, undulated and difficult one as described by the President. Again, the rates prescribed in the bill, for freight or passage, ignore an equally important consideration of justice, in being the same for a length of road lying on and receiving support from a rich and populous country, as for a similar length of road in a sparsely and scantily producing district. Such inequalities cannot fail to arrest the attention of the Senate. It is true that the short roads classed as A and B have rates allowed high enough probably to compensate for any such contingency; but in the roads in Class C the rates are applied to similar distances, alike regardless of locality, or amount of business done over them.

In illustration, it was shown to the committee that the business on all the stations of the Visalia division of the Central Pacific Railroad was but one-twenty-first of the business done on the western division of the same road, and but one-fifth of the business done on the Oregon division.

This inequality in the *volume* of business would seem to explain, and in some measure justify, the difference in local rates existing at present. A road doing one-twentieth or one-fifth the business of another road ought not to be subjected to the same uniform and unyielding maxima of rates.

There were many other reasons assigned before the committee which were claimed to influence the cost of carriage between different stations, and urged in justification of the inequalities of rates charged; but the committee has not sufficient technical knowledge of the subject to present them to the Senate, nor to successfully combat the effect claimed for them. The bill contains an extended and detailed classification of all the articles that are usually carried on railroads, prescribing for each class so enumerated a distinct rate per ton per mile for all railroads over fifty miles in length. Your committee cannot see how the interests of the public are to be subserved by the enactment of a law fixing distinct rates on specified articles on all railroads of fifty miles in length, without regard to the local circumstances which surround their operation; therefore, to enumerate in detail over one thousand different articles, and to prescribe that all railroads over fifty miles in length, without regard to the amount of those articles which they may be called upon to carry during the year, shall be limited to precisely the same rates per ton per mile for their carriage, does not seem to this committee to be either wise or expedient legislation. Your committee are unable to see why the North Pacific Coast Railroad, for instance, from Saucelito to Tomales, operated through a broken, rugged country, sparsely settled, and with scant production, and with but a limited business from which to derive income, shall not be allowed to charge higher rates per ton per mile than the San Francisco and North Pacific Railroad, operating between Donahue and Cloverdale, in one of the large valleys of the State, capable of sustaining a large population from which to derive income.

The unequal operation of the bill under examination is rendered prominent by the illustration just given; and the principle will apply with equal force to other roads.

Again; the classification of railroads for the purpose of regulating a tariff of charges for service, by the length of the road in miles, is,

in our judgment, unsound in principle, unwise and unstatesmanlike, vicious in its tendencies and operation, and, as far as we know and believe, is sought now, for the first time, to be tried as an experiment in legislation.

The operation of such classification in discriminating, by law, between the carrying power of a road owned by one association of citizens, and that owned by another, if not unconstitutional, is at least unequal and unjust. For the sake of illustration: the earning power of a road twenty-five miles in length, owned by A. B. and his associates, is made by this bill to be equal to the earning power of another road two hundred and fifty miles in length, owned by C. D. and his associates. In other words, A. B. hauls one ton of grain over his road for the distance of twenty-five miles, and is entitled to demand and receive for such service the sum of five dollars. C. D., on the other hand, before he can earn and receive the sum of five dollars, is obliged by this bill to haul a ton of grain through the distance of two hundred and fifty miles; and if C. D. happened to be called upon to haul the ton of grain only twenty-five miles, he can demand and receive the sum of eighty-five cents; and this is true likewise of the thousand different articles enumerated in the classifications of the Archer bill.

Another objection, in the minds of the committee, to this experimental classification of railroads according to their lengths, is to be found in the fact that such legislation must inevitably retard, if it does not absolutely prohibit and prevent the completion of roads already in course of construction. This objection was aptly illustrated to your committee by the testimony of Colonel Peter Donahue, President of the San Francisco and North Pacific Railroad, and by that of A. D. Moore, Esq., President of the North Pacific Coast Railroad.

Each of these gentlemen represents a road in Class C, each is now constructing a present extension to his road, and each is desirous of carrying out the original purpose of his company's incorporation, by building many more miles than is now being operated by their roads respectively.

Both of these gentlemen stated emphatically, and without hesitation, to your committee, that the enactment of the Archer bill must necessarily stop all future road-building by their companies. When the distinguished author of the bill under consideration, himself present during the examination, suggested to Mr. Moore that his bill would probably be amended so that the provisions of Class B would be extended, in a great measure, to roads not exceeding a hundred miles in length, and asked what effect it would have upon his road, it was answered: "We could build to the Russian River, but we could not carry out the purposes of our charter, which takes us beyond and gradually up the coast for a longer distance." It was also stated to the committee, by this gentleman, that this company was seeking to borrow money in foreign markets for the purpose of the continuous construction of their road, and that it would be absolutely impossible to make any loans for such purpose should this bill become a law. It is within the recollection of several of your committee, and of many Senators upon this floor, that the Legislature of this State was called upon at its session, two years ago, to pass a special law extending the maximum of rates of fares and freights, in order that a company desiring to build a railroad from Colfax to

Grass Valley and Nevada, might be enabled, under a more liberal tariff of charges, to borrow money for the prosecution of their enterprise, which they could not borrow under the limitations of the general law. It will be recollected that such a bill, including in its beneficial provisions the road referred to, and perhaps one other on the southern coast, in San Luis Obispo or Santa Barbara Counties, did pass both houses of the Legislature, and became law by executive sanction.

It may not be amiss, in illustration of the character of the North Pacific Coast Railroad, and the nature of the country traversed by it, to further state, that Mr. Moore said: "That the road as far as constructed had cost thirty thousand dollars per mile; that it is a narrow-gauge; and that he believed such a road could be built over a level surface for not exceeding ten thousand dollars per mile."

Your committee is therefore strongly fortified in the opinion that the North Pacific Coast Railroad could not reasonably look for money to prosecute its work, under the Archer bill, either at home or abroad.

Your committee is not insensible to that general public opinion, which asserts the constitutional right to regulate fares and freights. We are also well aware that the several political parties in this State, have given expression to such public opinion, in the most emphatic and unmistakable terms. In that public judgment your committee is entirely in accord. We cannot subscribe to the position that corporations, of any class or kind, are beyond and above the reach of legislative control. They are the creation of the law, in pursuance with the fundamental law of the State which empowers us to bring them into existence, and which most wisely reserves the right to alter, amend, or repeal their charters. Any other construction would be most dangerous to the public interest. A generous people, in the infancy of the commonwealth, impressed with the importance of inaugurating a railroad system, enact conditions which the march of events, the increase of population, the interest of trade and commerce, the general good, may demonstrate to be pregnant with possible dangers to the very life of the community. It would be a dangerous doctrine to hold that such enactments cannot be remodelled and moulded to meet new and changing public wants and exigencies. The attitude of the railroad companies, which deny this right to revise their relations with the public, and to prescribe new limits to their power, is as unsound as its legal and judicial recognition would be unsafe to the public weal. In our judgment it is a doctrine fraught with mischief, and rests upon an unstable foundation. However, the issue, arising in sister States, is pending in the Court of last resort, whose decision will settle it probably forever.

How shall this desired new relation between the State and the railroad companies be best brought about? What course can be pursued that will interpose an intelligent barrier between what may be, or what may become, the illegitimate desires and exactions of the companies, and the public, without inflicting irreparable injury to the roads? This is a grave question.

The character of the evidence, and the arguments presented to the committee while examining the bills, whether for or against, tended strongly to demonstrate the intricacies and perplexities involved in any effort to regulate, in detail, freights and fares. The showing of the friends as well as of the enemies of the bill has satisfied us that it would be impossible for any legislation, in the limited duration of

a session, to construct a classified, detailed measure, that would either meet the public expectation or that would not be liable to cripple the railroad service and development in this State. The Archer bill was evidently prepared with an apparent attention to minutiae; yet the examination before the committee clearly disclosed incongruities in detail which could, in effect, as law, operate against those we are sworn as legislators to protect. We do not possess the knowledge of the subject requisite to correct such errors, nor to decide the effect that amendments suggested might have, even if the principles on which the bill was drawn were sound, which we do not believe.

The difficulties surrounding the exercise of this class of legislative powers have been made the subject of discussion and examination throughout the entire civilized world where railroads exist. The establishment of fixed tariffs, to be enforced by legal enactment, have found favor for a time, to result in almost universal condemnation. The committee, therefore, seek a plan of action to recommend to the Senate which will best reach the object sought, viz: an assertion of the right of control over railroads in the interest of the people, which shall reduce the present maximum on the great staples of the country, and yet not unwarrantably encroach upon the interest of the companies. It seems to the committee that this object is best attained by the passage of the bill introduced by Senator O'Connor, amended in accordance with the recommendations of the committee. It has come to be known as the "Commissioner bill," which is a misnomer.

This bill enforces the right to regulate; it distinctly enunciates the power to control; it enacts that the companies shall not be permitted to charge or receive for any service any greater sum than is fixed by their tariff of rates in force on the first of January, eighteen hundred and seventy-six. To illustrate the practical effect of this limitation, it was shown to the committee that the average cost per ton per mile, for the volume of business done on the Central Pacific road and its branches, according to their latest completed records, was but three and twenty-six one-hundredths cents, while it is well known that the law allowed the companies to charge fifteen cents. This may not have any apparent effect upon the cost of the transportation of luxuries, but it surely operates as a reduction of the maximum now allowed on grain, wool, lumber, and the principal products of the coast. The bill fixes a new legal departure for the companies, and says to them: "Thus far you may go, and no further." The discretion of the companies is limited to a much more circumscribed boundary.

In addition to the reduction and regulation above described, the bill contains the most stringent provisions against favoritism, extortion, and discrimination—provisions embodied in the amendments offered by the committee to chapter second. It is made the duty of the Commissioners to see to it that these provisions are enforced, and the companies rendered accountable for any violations of the law.

It provides that the State shall put into commission officers who shall make it their business to become as well acquainted with all of the affairs, methods of working, commercial laws influencing and governing tariffs, and charges thereupon, affecting railroads, as any of the railroad managers themselves. It provides means whereby succeeding Legislatures shall not be dependent, either upon their own

inexperience in railroad affairs, or such testimony and arguments as may be presented by representatives of the companies, or others in opposition to them.

As it is now, the committee is not prepared, by knowledge, or by the arguments or statistical matter presented, to successfully deny that the immediate effect of the Archer bill would be to cut down the incomes of all local roads to the extent represented by Colonel Donahue and Mr. Moore, and that their roads would be forced into suspension. Such consequences have been urged upon the committee as inevitable, backed by a mass of figures, tables and comparisons that we are unable to controvert. In the face of such an exhibit, and the statements made by these and other experts, we are led, without hesitation, to recommend the appointment of Commissioners detailed specially to this service. With State Commissioners, this condition of ignorance on such an important subject would not exist.

Again; a comparison of rates charged by the Central Pacific road with those of prominent Eastern roads, as sworn to and presented, showed that the roads of this State are charging, mile for mile, on most of the articles usually carried, less per ton per mile than is charged on the Eastern roads. The published tariffs have been before us, and seem to sustain the comparisons.

Again; there are frequent complaints in respect to the dealings of the companies with the public, whether well-founded or not we do not undertake to determine. But they exist; and it is the province of wise legislation to furnish a remedy for abuses, if any there are, to the humblest citizen. The great body of complaints emanate from those having infrequent dealings with the companies, and who are least able to assert and enforce their rights in the legal tribunals. Perhaps many of these complaints reach the public ear through the press without first being called to the attention of the principal officers of the roads. It will become the duty of the Commissioners to make themselves familiar with the wants of railroad patrons, to listen to their remonstrances, to call attention to their objections, and to stand between them and extortion and discrimination. Railroad corporations are sensitive to public opinion, which is the best correction of abuses that exists in any government. Commissioners will give that public opinion a healthy tone and direction, and teach corporations that they are subject to its power, even though they claim to be out of reach of the law.

Again; experience is our greatest and wisest instructor and guide. If we will but avail ourselves of its teachings, we will avoid many errors committed by other States, which have cost them much in damaged credit, crippled enterprise, and retarded development. The examples of other States furnish the strongest arguments that can be presented in favor of the Commissioner plan. In no instance has it been a failure, and where longest tried it finds most favor. On the other hand, wherever the rigid rule of the law has laid down the inflexible tariff, there seems to have been trouble and expensive complications. In Europe and America it is the same. Wisconsin presents the case of the Potter law, recently repealed with a unanimity that may well make us pause before repeating an experiment which that State has pronounced against. Illinois and Iowa are now defending their legislation in the Supreme Court of the United States, and probably their enactments will be reversed and repudiated by the great voice of their citizens before the Court acts upon a statute

that will have become obsolete. Massachusetts presents the example of six years of experience under a Board of Commissioners. One of her most enlightened citizens—Charles Francis Adams—has acted as one of the Board from the first. We will quote, at some length, from an address delivered by him in Wisconsin, in September, eighteen hundred and seventy-five, as it presents a stronger argument in favor of the O'Connor bill than any we can offer. He says:

"Six years ago, in the height of the railroad discussion, a Board of Commissioners was established in Massachusetts, and I became a member of it. The principle upon which the Board was established I at the time thought wholly unsatisfactory; I have since concluded that it was a wonderfully happy legislative guess. The Board had no power, or next to none. It was simply an agency through which publicity could be secured; it was to be a lens through which the scattered, diverging, individually powerless rays of public opinion could be concentrated into a focus and brought to bear on any given point of railroad management. In those days I had not the faith in public opinion which I have now, and it seemed to me that the law which organized our Board and then placed us face to face with those great corporations, powerless to do more than investigate and discuss—it seemed to me that this law was framed in a total misapprehension of the necessities of the case; that it left us in a position which challenged contempt. The fact is, like most officials, I yearned for more power. I wished to be able to compel, as well as to recommend. I wanted a little force bill of my own. This, I am now rejoiced to say, the Legislature of Massachusetts was too wise, perhaps too wisely distrustful, to give me. The law was badly, clumsily framed, but it was based on a very simple idea. A Board of Arbitration was to be created, with supervisory powers. It then became the duty of its members to investigate every complaint brought against any railroad corporation, and this, too, without cost to the party bringing it. If necessary they were to give public hearings, and, as the result thereof, they were to address such recommendations to the railroad companies as in their judgment circumstances might require. Finally, once each year, the recommendations thus made, with the action of the corporations thereon, were to be reported to the Legislature, which in this way reserved the power of dealing with the obdurate or unreasonable exclusively in its own hands. Thus the Commissioners were thrown back to a reliance on publicity and the support of public opinion, with the legislative power very much in the reserve.

"After six years' trial in many ways, I am now prepared to say that such a reliance is far better than any force bill. It has brought about in Massachusetts a condition of good nature, which is the first essential to success. The Railroad Commissioners with us are not mere prosecuting officers—the recognized enemies of the corporations; they are, on the contrary, above all else, arbitrators, and as such bound, first and foremost, and always, to be on amicable terms with the one party as well as the other. The result has been to me as satisfactory as it was unexpected; our action is almost always accepted by the parties before us as final, and I do not now recall any case once brought before us in which subsequent legislative intervention has been sought for. Scarcely a week passes in which causes of complaint are not brought to our notice—for a postal card is suffi-

cient for that purpose—and invariably the same course is pursued with them. In the first place, the head official of the corporation is called upon, and his attention attracted to the subject, and usually the matter ends here, with satisfactory explanations, or a sufficient measure of relief. The officials know that we wish to be fair and reasonable, and we find them disposed to be the same; at least they are always anxious enough to avoid a public issue. Sometimes, however, it comes to that, and formal hearings have to be given, as a result of which we decide sometimes in favor of the corporation, and sometimes of the petitioners, but always in writing, and stating our reasons in full. When we are forced to this extreme, however, we no longer address ourselves to subordinates, whether they call themselves Superintendents, General Managers, Presidents, or what not, but now we go clean over their heads, and bring the subject directly to the notice of the Board of Directors, insisting on a 'yes' or 'no' action on their part. This course of treatment generally produces results, for it means publicity. For instance, a year or two ago we became satisfied that the bridges on one of the main lines of the State were in an unsatisfactory condition. We addressed the President of the company on the subject, and our communication was, I presume, duly pigeon-holed by him; at any rate we heard nothing of it. After waiting a reasonable time we addressed a second and more formal communication to the Board of Directors, with a distinct though polite intimation that, if necessary, we would next call on the public. The effect was instantaneous. We at once received a formal reply, requesting us to cause any examination we deemed proper to be made, and assuring us that everything necessary should be done. Within the next year every bridge on the road was thoroughly overhauled or renewed.

"When it comes to a direct issue the corporations do not like to put themselves in public antagonism to the well-considered action of Commissioners. They will, perhaps, resist up to the last point, but when it comes to a clean issue, with the equities against them, they invariably yield; they are stubborn only when they feel that they have a strong case, and not always then. The simple truth is, that with concentration has come the sense of responsibility; and—you may believe it or not, as you like, but so it is—our railroad corporations all over the country are peculiarly sensitive to public opinion."

In conclusion, your committee has recognized the fact, and does not wish to disguise it from the Senate, that it has had in constant recollection the recommendation of the Executive of the State, delivered to this body in his inaugural address.

Perhaps no one occupying public position in California has given to the consideration of the general subject of the relations of railroads to the State, so much careful thought and study, within the past four years, as has the present Governor. His words of wisdom may, therefore, be well pondered by all of us. After discussing, in his inaugural, the general question of the constitutional power over the subject, he concludes in the following language:

"I now venture to suggest the creation of a commission to assist in this work. I am quite aware that no legislative power could be delegated to a commission. A commission, however, could be clothed with power to correct abuses by compelling the corporations to obey

the laws already on the statute book. It could, also, be charged with the duty of collecting such statistical and other information as must precede and become the basis of intelligent legislation on railroad matters. In addition, it could be given such other powers, and be charged with such other duties, as the experience of other States, which have Boards of Railroad Commissioners, has shown to be desirable or necessary."

In consideration of the foregoing the committee respectfully recommend as follows:

First—That Senate Bill No. 332, introduced by Senator Lindsey, and Assembly Bill No. 182, known as the Archer bill, do not pass.

Second—That Senate Bill No. 134, designated in this report as the O'Connor bill, be amended in accordance with the recommendations of the committee herewith submitted, and passed as amended.

Third—That Senate bill No. 319 do not pass, for the reason that its main features are incorporated in the O'Connor bill, as amended by the committee.

All of which is respectfully submitted.

J. T. FARLEY, Chairman.
W. J. GRAVES,
EDWARD GIBBONS,
GEO. S. EVANS,
PAUL SHIRLEY,
J. W. SATTERWHITE,
TIMOTHY McCARTHY.

APPENDIX.

APPENDIX.

STATEMENT OF A. A. COHEN.

A. A. COHEN made a statement to the committee in support of the bill, occupying in its delivery over three hours. A summary is as follows:

He reviewed the conditions of the bill, stating generally its contents. He then went on to state that the maximum now fixed by law was higher than the maximum on any other road in the United States. "Of course, for small distances, the amounts charged were greater in proportion than the amounts charged for long distances. The bill is imperfect, in some parts, I will admit, and should be amended, for it bears hardly upon one class of roads; but, probably, no legislation ever can be passed but what will have some imperfection. It is the science of legislation to accomplish the greatest good to the greatest number, even though it may bear hardly upon a company. I am free to admit that the objection made is tenable, and cannot be remedied. I am not responsible for this bill, although by appearing here on behalf of it I make myself responsible for it. The principle upon which I am urging this legislation is this: That conceding to the railroad company all that is claimed for them, admitting that it is a great public necessity and convenience that their fair and proper charges should be protected and guaranteed by law, to a certain extent, and that they should be entitled to all the protection that the law can possibly surround them with, yet I venture to assert that even the strongest advocate against this bill will not deny that the citizens of the State have rights which the Legislature is bound to respect. Legislation that would do injustice to any person or corporation would utterly defeat the object in view—that of affording relief to the people of the State. There have been bills relating to this subject presented to this Legislature which I have opposed, because I deemed them unfair and impracticable. I have not compared this bill with the Freeman bill. The Freeman bill was not fair. I will say that any bill which attacks the fair rates of this corporation—that does injustice—is a measure which is at war with the best interests of your committee or this Legislature. But I also hold that the people are entitled to the proper exercise of powers, privileges, and franchises, which this corporation

possesses by virtue of your authority. The rights of the people are being invaded by this corporation, and they demand redress. We are shut out from competition with other producers, and other markets, because we cannot compete in the matter of the carrying trade. The cost of transporting our wares is so much that we cannot, successfully, enter the field. Governor Stanford, in his letter, says, in effect, that we should leave this matter of regulating freights and fares to competition. That is a very good statement to come from him. His road received twenty-seven million dollars from the Government. They then borrowed twenty-seven million dollars upon the credit of the Government. After receiving this extraordinary aid, it is scarcely a fair argument to say that 'you have just the same rights that we had. If you don't like our rate of charges, there is nothing to prevent another association of persons from building a road.' Instead of becoming, as was intended, a benefit to the State, the railroad has become an oppression. In general cases, competition will regulate inequalities, but where a corporation has become so strong, and so firmly established as has this, through Government aid, competition by a road run parallel must fail. You are called upon to not interfere with the results of private industry. I say that the road was built by public moneys, and that the public ought to have some interest in it. The Government gave aid not only to build the road, but each one of its corporators has become wealthy—enormously wealthy—so they are enabled to buy up or drive off every competing line."

Mr. Farley—Would private capital be hereafter invested in building other railroads or paying roads, if we pass this bill?

Mr. Cohen—I believe the proposition to be this: The Archer bill will afford to any railroad desiring to do business in a legitimate manner a fair and proper return on the capital invested. I would take any road that the Central Pacific have to-day, I would pay the actual cost and give fifteen per cent. per annum on it from the time of the investment to the present day, and would accept the provisions of the Archer bill. I consider a fair return on the capital invested to be, first, the cost of operating the road; next, the interest upon the debt; third, the proportion of the wear and tear; fourth, a liberal dividend. Now, this road has done more than that. It has received subsidies which have made its owners enormously wealthy, and this wealth they use not only to buy up, control, and monopolize all the other roads in the State, but to reward friends and punish enemies. By the use of this great wealth and the power it confers, the company has brought the people into servitude, from which they now ask release. To build another road parallel to this would be useless, for then we would have two bloodsuckers instead of one.

Mr. Farley—According to that logic, it would be better to have only one road, and do away with the road south.

Mr. Cohen—I think not; I said where two lines run parallel to each other. The average reduction by the Archer bill will be, I think, about thirty per cent. This is right, when we consider the great discrimination practiced by the company. From San Francisco to Sacramento, a distance of one hundred and forty-three miles, the charge now is three dollars and sixteen cents; from Goshen, six miles less in distance, is sixteen dollars and eighty cents. The Central Pacific reports its gross earnings for the past year at seventeen million dollars. The cost of running was about seven million dol-

lars. After deducting other elements, their net profit would be four or five million dollars, to be divided illegally between five persons. The earnings of the most prosperous Eastern roads were only from five thousand dollars to nine thousand dollars per mile. The earnings of the Central Pacific were thirteen thousand eight hundred dollars. The California business is worth from eighteen thousand to twenty thousand dollars per mile. A return of such magnitude must necessarily be caused by a tariff too high. It is a higher return than the Eastern roads produce, and when we consider the difference of population and wealth, we can see how unjust are the charges here. With ten times the tonnage, the New York Central gives a return of only three thousand dollars per mile more than the Central Pacific. This shows what the exorbitance of the tariff must be. I have always regarded the present rates too high, and have repeatedly said so to the company and its members. The Central Pacific roads in California net a profit of twenty-five per cent.

Mr. Gibbons—You said the reduction in charges under the Archer bill was thirty per cent. Would that not make a corresponding reduction of thirty per cent. in the profits?

Mr. Cohen—Yes, sir.

Mr. Gibbons—Thirty per cent. off from twenty-five per cent. wouldn't leave much; would it?

Mr. Cohen—I gave my estimate roughly, not having figured it out. After a careful examination, I find the Central Pacific charges three hundred per cent. more than is charged by Eastern roads.

Mr. Farley—What interest, other than as a private citizen, have you in urging this matter?

[Committee decided that question should not be answered.]

Mr. Cohen—I am ready to answer the question. The bill should stand on its own merits, and the motives of any man who appears here should not be impugned. We show you that this corporation is oppressing the people, and that the people demand relief. All the political parties took that ground, and the people at the late election asserted that proposition. You cannot go back of that. The members of both Houses of this Legislature are pledged to their constituents to give the people some relief within the purviews of this measure. Governor Irwin, in his inaugural address, impresses this fact upon your minds, and you should heed his words. It is something new to me, that a counsel or a person urging a measure, just in itself, should be questioned as to his motives. It is something I never heard of before, but I am ready to answer all such questions.

TESTIMONY OF A. D. MOORE.

Vice President A. D. MOORE, of the North Pacific Coast Railroad, signifying his desire to make a statement to the committee, he was permitted so to do, and proceeded as follows:

Our road reaches from Saucelito to Tomales, a distance of fifty-five miles from San Francisco. This road we have built within the last three years, at a cost of one million nine hundred and twenty-seven thousand dollars in money, none of which have we received from any other source than our own capital and credit. We were to have received a subsidy from Marin County, but for certain reasons the

county refused to pay it. It was a subsidy of one hundred and sixty thousand dollars, but we never received a cent of it. Our original intent was to go as far as Russian River, up the coast. We are now engaged in building twenty-eight miles, from Tomales to Russian River, the iron having been purchased in New York, and we have partially completed a tunnel, which will be one thousand six hundred feet in length. The nature of our road is such that, running from Saucelito near the sea coast, we have only been able to charge certain prices. We cannot charge the full limit because of the opposition by water, and the Donahue line, which is running up the Santa Rosa Valley. We found the rates of freight for farmers' produce, grain, etc., from San Francisco to Tomales—a distance of fifty-five miles—to be two dollars and fifty cents per ton, the result of a free and full competition by sea between sail vessels and steamers during the last twenty years. In accordance with our ideas, we decided to put the rates at fifty cents less per ton—or two dollars—and we are now carrying freight at that rate, and have been since our road was started. That that rate is low enough, you will see, when I say that under it all the schooners and steamers withdrew from the competition; two dollars average for fifty-five miles is less than four cents a mile. Of course the proportionate charges for intermediate stations are somewhat higher; but that, of course, is the custom. If this bill were to pass and go into effect, its effects would be most disastrous. I will first state, in regard to this bill—take the whole distance of the road, and this bill, instead of allowing us two dollars, as now, would only give us one dollar and ten cents for freight from Tomales to San Francisco. It would leave the passenger rates about the same, but our main business is freight. As to wood, much of which we haul, it would give us less than two dollars per car from Tomales to San Francisco, whereas, in that whole country, for the last twenty years, during free, open competition by sea, the price has never been less than three dollars and fifty cents. Yet we are asked to carry it for less than two dollars. I might go through the entire list of articles with the same result. Some few, perhaps—but very few—might give us present rates; but the general tendency is downward and ruinous. In the carriage of lumber we would suffer as much as in the carriage of wood. While some very few products that we carry would produce to us the same rates under the Archer bill, yet the great mass of business—nine-tenths of it—would range from sixty to one hundred per cent. under present prices. In that view of the case, when we consider that our present charges are as low as they can profitably be, it is very evident, if the bill pass, and we must live up to it, what must be our policy. All we could do would be to pay up our debts as best we could, and abandon the field. It would be simply impossible to operate the road. In regard to our extension to Russian River, I have this to say: We will charge four dollars and fifty cents or five dollars for bringing lumber, per one thousand feet. This bill will give us two dollars and seventy cents per one thousand feet. The people are satisfied with our prices and very willing to pay it. I, myself, am a large owner of land in that country, and speak the sentiments of the people, aside from my individuality as a railroad man. Our lumber must come to market, and the prices fixed by us are fair and proper.

Mr. Farley—Could you transport that lumber at the rates fixed in the Archer bill?

Mr. Moore—We could not; nor could we transport anything else. For the past twenty years two dollars and a half was paid for general freight from Tomales to San Francisco, whereas the Archer rate is only one dollar and ten cents.

Mr. Archer—Have you examined the proposed amendment correcting those classes?

Mr. Moore—I have not seen the amendment.

Mr. Archer—An amendment has been proposed which, it is hoped, will obviate the difficulties which prevail. It provides that the rate for carrying those classes over roads between fifty and one hundred miles in length, shall be, for each ton of two thousand pounds for one mile, one dollar; over one mile, up to and including ten miles, three cents in addition to the amount chargeable for one mile; for all distances over ten miles, twelve cents as the maximum.

Mr. Moore—Twelve cents per ton per mile for all distances over ten miles?

Mr. Archer—Yes, sir. Would that leave you in a better or worse condition than it now is?

Mr. Moore—I don't know how it will affect our general business.

Mr. Archer—I may mention a suggestion made by a member. Passengers are to pay five cents a mile for that class, instead of four cents. Six cents would probably not be too much.

Mr. Moore—Unquestionably that is as much as we are charging now.

Mr. Farley—[to Mr. Archer]—Would it not prohibit transportation if you should enforce the maximum?

Mr. Archer—It probably would, but it is not supposed that it will be charged. The maximum might be fixed at eighteen cents as well as twelve, but that does not imply that that amount will be charged.

Mr. Moore—That would give nineteen dollars per thousand for carrying lumber, whereas we now intend to charge only four dollars and fifty cents or five dollars.

Mr. Farley—That increases it about four hundred per cent.

Mr. Moore—We did not intend to charge over four dollars and a half or five dollars, but under this amendment we would charge anything.

Mr. Farley—Would the people stand it?

Mr. Moore—The people would not stand it. Our charter carries us to the Mattole River, a distance of one hundred and fifteen miles. We are now building to the Russian River. I further want to say that I don't think that there is a desire on the part of any person living on the line of our road or that of the proposed extension, for a reduction of tariff. I don't think the people want any bill to pass which will cripple us or our road.

Mr. Evans—If your road is to be one hundred and fifteen miles, that will take you out of the Class D, proposed in the amendment, and put you in Class C.

Mr. Moore—Yes, sir.

Mr. Evans—And the amendment will be of no benefit to you at all?

Mr. Moore—None, whatever.

Mr. McCarthy—How many miles of road have you now?

Mr. Moore—Fifty-two.

Mr. Farley—Is it narrow-gauge?

Mr. Moore—It is narrow-gauge—three feet.

Mr. Gibbons—What is the cost per mile?

Mr. Moore—Very heavy. It is a heavy country.

Mr. McCarthy—When do you think you will complete your road?

Mr. Moore—We have built fifty-two miles; and this summer, about August, we will finish twenty-eight more.

Mr. McCarthy—Then the amended law would not reach you for a very long time.

Mr. Moore—No; we will in August get to Russian River; that is the distance we propose to build this year. Our charter is to go further north, and we desire that the road shall go as far north as is necessary, and as will pay. The average cost of building and equipping the road was about thirty thousand dollars per mile. We also own our own steamers, the cost of which figures in the total of one million nine hundred and twenty-seven thousand dollars—steamers and other property. The road is on a difficult grade—in a difficult country. It is a narrow-gauge, and on the eighty miles there must be about three thousand six hundred feet of tunnel; thirty thousand dollars per mile is the cost of the road. We also own other property, in the way of wharves, etc., that I did not include in that estimate.

Mr. Evans—If the amendment proposed should be adopted, and your road be thrown with Class C notwithstanding, what would be the effect?

Mr. Moore—We could not operate the road.

Mr. Gibbons—What is the difference between the cost of building and equipping that narrow-gauge road, as compared with the cost of building and equipping an ordinary gauged road?

Mr. Moore—I never have made a calculation on that point. It would be impossible for me to tell the cost of a broad-gauge there, for it would be impossible to build that road in that kind of a country.

Mr. Lindsey—Are you familiar with the building of narrow-gauge railroads in any other part of the United States?

Mr. Moore—No, sir; this is the only road that I have had anything to do with in the way of building. I do know the difference between building narrow-gauge roads in a level and in a mountainous region. Over a plain, where you can use light iron and light ties, these items of cost would be about forty per cent. less than in a broad-gauge. I do not know any other narrow-gauge in the United States that cost as much as ours. If built on a level plain like the San Joaquin Valley, the same road would not have cost over ten thousand dollars per mile; that is, without the equipments. Our road is splendidly equipped; we have the best of everything, and plenty of it. Our equipment has cost us about two hundred and twenty thousand dollars—about four thousand dollars per mile. Our road has sold no bonds at all as yet; but we hope to sell some in order to make our expenses next year. The North Pacific Coast Road is being built constantly, and is under heavy expense, and we must have more money. I hope that you will not forget that such a bill as the Archer bill would effectually preclude us, until other legislation should have been had, from selling bonds. Of course, in our case, it would be absolutely ruinous to place our bonds on the market. We could not get a nominal sum for them.

TESTIMONY AND STATEMENT OF J. C. STUBBS.

The following is the testimony and statement submitted by J. C. STUBBS, General Freight Agent of the Central Pacific Railroad Company:

In proof of the charge of unjust discriminations, on page four of Archer's minority report is cited the "inequalities in the freight charges of the Central Pacific Railroad," existing in the rates for first, second, third, and fourth class freight, from San Francisco to Sacramento (the Western Division); from Lathrop to Goshen (the Visalia Division); and from Sacramento to Red Bluff (from Roseville to Red Bluff, is the Oregon Division), showing that the rates of the Visalia Division, a level road, are from one to four hundred per cent. greater than the rates of the Western Division, which crosses the coast range of mountains; and that the rates of the Oregon Division are from one to three hundred per cent. greater than those of the Western, and that with the exception of fourth class, the rates of the San Joaquin Valley (Visalia Division) are from thirty-three to one hundred per cent. greater than those of the Sacramento Valley (Oregon Division).

Without testing the percentages of comparison given, the discriminations above described are admitted; they result from the effort to make each division, as far as possible, earn its just proportion of the expense of operating the road, and are justified by the following facts and conditions:

In eighteen hundred and seventy-four, the freight taken up and laid down on the same division equalled, in tons per mile operated, for the Western Division, seven hundred and sixty-eight and one-half; Visalia Division, thirty-six and one-half; Oregon Division, one hundred and eighty-eight—showing the way business of the Western Division to be twenty-one times greater than that of the Visalia Division, while the rates are but from two to four times greater, and to be more than four times as much as the way business of the Oregon Division, while the rates are but from two to three times greater. By the same statement the way business of the Oregon Division is shown to be five hundred per cent. greater than that of the Visalia Division, while its rates do not exceed the latter's by more than from thirty-three to one hundred per cent.

Again, the whole tonnage of each division, including that interchanged with other divisions, was, in tons per mile operated, for the Western Division, three thousand six hundred and ninety-one; Visalia, seven hundred and eight; Oregon, eight hundred and ten. Accordingly, the whole freight traffic of the Western was over five times that of the Visalia Division, while the latter was exceeded by the Oregon Division by more than fourteen per cent.

Again, on page five, it is stated that "the local rate for fifth class freight and lumber over the Sierra Nevada Mountains, from Sacramento to the State line, one hundred and thirty-eight miles, is less per ton per mile than the rates now charged for the same classes of freight on the San Joaquin or Oregon branches of the Central Pacific Railroad."

With respect to fifth class freight, the statement is erroneous; the rates on which are as follows: On the Mountain Division, for one

hundred and thirty-eight miles, forty-eight dollars per car; on the Oregon Division, for one hundred and thirty-seven miles, forty-two dollars per car; on the Visalia Division, for one hundred and thirty-nine miles, thirty-seven dollars per car.

Nor is it true with respect to lumber from Sacramento. The only warrant for the assertion subsists in the fact that the rates on lumber from the Oregon Division are higher than from the Mountain (Sacramento) Division to the same point; for example, the rate on lumber from Red Bluff to Sacramento is forty-two dollars per car; State line to Sacramento, is forty dollars per car—which is a wise and just discrimination, required by the difference in the value of the products, marketed in Sacramento, of the two timber sections. The lumber from the Sacramento Division is chiefly common, worth about eighteen dollars per thousand feet, while that of the Oregon Division is principally sugar pine, worth in the neighborhood of forty dollars per thousand feet.

Again, we have nothing but the timber products to rely upon for return loads for the cars sent to the Sacramento or Mountain Division with merchandise, while from the Oregon Division we have, in addition to lumber and wood, grain, live stock, wool, etc., causing a preponderance of out freight.

In this connection please notice the comparison of rates on lumber, shingles, staves, etc., made on page six of the report in hand, exhibiting the disparity between the rates from Truckee, on the Mountain Division, to San Francisco, on the Western; Merced, on the Visalia; and Red Bluff, on the Oregon Division.

Truckee and other stations on the Mountain Division draw their supplies almost wholly from San Francisco, some from Sacramento, and, perhaps, a little flour and feed from Marysville. They have nothing whatever to exchange for them, or with which to load back our cars but the products of their timber, as shown above. Their lumber is common, must compete in San Francisco and Sacramento with the second and third quality of sugar pine from the Oregon Division of our road, and, also, with the better quality of lumber brought from the State of Oregon by sailing vessels; thus their supply points furnish them the poorest market for their products, hence the lowest rates of freight must prevail to those points. In many cases reasonable charges for the character of the service performed by the carrier would exclude them from the general markets, and produce a general stagnation of their business. Under these circumstances are the low rates made from the Mountain Division to San Francisco, Sacramento, and Marysville, and we can better afford to make them than to return empty the cars sent to that division with merchandise, or to suffer the loss of business consequent upon a diminution of the supplies sent to points on that division, which would result from their preclusion from trade in their own products with their supply points. No such conditions exist in the interchange of business between the Mountain Division and the Visalia and Oregon Divisions. In fact, there is no general interchange of trade between these divisions, and what little is exchanged must, necessarily, pay the entire cost of the service performed to effect it.

The products of the San Joaquin Valley (Visalia Division) are marketed in San Francisco, and exceed the tonnage of supplies going into the valley, by about thirty-two per cent.; hence the problem is to obtain return loads for the cars sent to San Francisco

with the products of the San Joaquin Valley, resulting in low rates upon lumber from San Francisco, which makes the city last named the lumber market for the San Joaquin Valley, and by so much reduces the proportion of empty to loaded cars, enabling lower rates on wheat, wool, and live stock produced in the valley than would otherwise obtain. There is no call for lower rates from the Mountain Division, even if they could be justly demanded.

A reduction in rates from points on the Mountain Division to points on the Visalia Division would compel a further reduction in lumber rates from San Francisco to points in the San Joaquin Valley, to meet the competition from the mountains, or result in diversion of trade from the latter city, and augment the proportion of empty to loaded cars, which would necessarily increase the cost of transporting the products of the valley to the general market.

The equalization of the rates to all stations in the State, which is claimed (on page six) as creditable for the bill, would, in numerous instances, as the case above cited, destroy the equilibrium of trade, secured by wise discrimination in rates, and work adversely to the interests of the public.

The statement respecting lumber, etc. (on page six), that "at the present time the rates charged per mile in the San Joaquin Valley are more than fifty per cent. higher than the rate in any other portion of the State," is without foundation in fact, in proof of which, appended hereto is a schedule marked "A," exhibiting a comparison of rates on lumber, etc., between way stations on the Sacramento, Oregon, and Visalia divisions, and proves that the discrimination charged by the statement last above quoted does not exist.

On page five the following are given as the rates from San Francisco to State line, two hundred and seventy-eight miles, viz:

Coal oil, per ton	-----	\$41 70
Rope	-----	34 80
Iron pipe	-----	34 80
Sheet iron	-----	34 80

There is certainly a reservation of facts in the statement of these rates, and there seems to be an effort at misrepresentation. The tariff rates are as follows: On coal oil, small quantities, per ton, forty-one dollars and seventy cents; but coal oil is inflammable, sometimes explosive, damages cars so that they cannot be used for merchandise, and is so liable to injure other property that it must be loaded in separate cars. We therefore provide special cars for its transportation, and publish a car-load rate between last above-named points, of twenty-three dollars and twenty cents per ton. Rope, if packed so as to prevent chafing, per ton, twenty-three dollars and twenty cents. Cast-iron pipe, twenty-three dollars and twenty cents. The above, in car loads, are rated at twenty-two dollars and twenty cents per ton. Sheet-iron (except Russia), per ton, twenty-three dollars and twenty cents. On sheet-iron pipe our charge is as stated in the report, *i. e.*, thirty-four dollars and eighty cents per ton; but it will load but about ten thousand and six hundred pounds to the car, while the mean capacity of a car is twenty thousand pounds, and ordinary freight will load to the maximum, or twenty-two thousand pounds to the car.

Thus, a car-load of cast-iron pipe from San Francisco to the State line, would, at twenty-two dollars and twenty cents per ton, amount to two hundred and twenty-two dollars, while a car load of sheet-iron pipe, at thirty-four dollars and eighty cents per ton, would amount to but one hundred and eighty-four dollars and forty-four cents. Considering that the same *dead weight* must be pulled in each case, the above rates are equal, so far as the expense of the service to the carrier is concerned.

On the same page, the published rates on coal oil, rope, and sheet-iron, from New York to San Francisco, are correctly stated as thirty and thirty-five dollars per ton; but the Central Pacific share of said rates are erroneously reported. The coal oil received from the East, overland, comes from Cleveland, and the lowest rate so far accepted upon it by the Central Pacific Railroad, was twelve dollars and seventy-eight cents per ton.

It may be assumed that all freight interchanged with the trans-Mississippi States is handled at a profit, either directly, or in its influence upon other traffic; but the assumption is warranted only by the fact that the expense per mile of transporting through freight is not nearly so great as that of handling local freight, in view of which, the enactment of a bill such as Mr. Archer's, purporting to be based upon the principle that the charges upon local freight should closely approximate the rates per mile now charged upon that interchanged with the Atlantic States, cannot be, with due regard to the rights of the carrier.

On page five it is alleged that our rate upon "salted meats and salted fish and similar staples, from San Francisco to State line, is twenty-three dollars and twenty cents per ton," and from "Ogden to San Francisco, but seventeen dollars and sixty-four cents per ton." The latter is incorrect; the rate is twenty-eight dollars per ton from Ogden to San Francisco.

On page six the minority report reads as follows: "The charges on coal from Ogden to San Francisco are nine (9) dollars per ton, while the charges from San Francisco to Truckee are fourteen (14) dollars per ton." We have offered extremely low rates on coal, for family use, from Ogden, hoping thereby to build up a large traffic of the nature of that, which is the backbone of the great Eastern roads, with which our earnings and expenses have been compared, notwithstanding which not one car load of commercial coal was shipped from Ogden to San Francisco during the year eighteen hundred and seventy-five.

The coal shipped from San Francisco to Truckee is of a different class, and used for a different purpose. On the same class of coal, used for the same purpose, our rate from San Francisco to Ogden is twenty-eight dollars per ton.

On same page appears the following: "More than three-quarters of all the freights from Ogden to San Francisco are now transported for less than two cents per ton per mile, currency, while the charges from San Francisco to Truckee and State line are from two to five hundred per cent. greater."

Our rates from Ogden to San Francisco, on all except Omaha and trans-Mississippi freight, range from fourteen dollars to fifty-five dollars per ton, and average three and four-tenths cents, currency, per ton per mile, while the rates from San Francisco to Truckee range from six dollars and thirty cents to twenty dollars and forty cents per

ton, and average five and three-tenths cents, coin—say five and ninety-six one-hundredths cents, currency—per ton per mile, being about seventy-five per cent. more than the rates between San Francisco and Ogden, instead of from two hundred to five hundred per cent., as stated by Mr. Archer. Again, the rates upon Omaha and trans-Mississippi freight range from nine dollars and twenty-eight cents to thirty-nine dollars and seven cents, currency, per ton, averaging two and four-tenths cents per ton per mile, being about forty per cent. of the local rates between San Francisco and Truckee, instead of from sixteen and two-thirds to thirty-three and one-third per cent., which the report above quoted would have them appear.

On the same page, and following immediately upon the statement last quoted, is this argument: "These rates are classed as 'local,' when, as they are carried over the entire line of railroad that lies in this State, they should be classed as *through freight*."

First—Through freights are such as pass from one terminus of a road to the other, regardless of the boundaries of counties or States. If the author of this clause was aware that it by no means follows always, that through freights are rated less per mile in proportion to the length of the haul, possibly he would not have quibbled.

Second—The provisions of the bill and its classification of freight are ambiguous, confused, and contradictory.

For example: Section six of the bill (line thirty-nine) provides that "for the purposes of this Act, twenty thousand pounds shall be considered a car load." Again, in section nine (line two hundred and thirty-one), it is provided that "for the purposes of this Act, twenty thousand pounds shall be considered a car load, except in cases of light and bulky material, when the car load shall be limited by the capacity of the car."

If this clause of section nine stands as it now reads, the enactment of the bill will legalize the most indefensible of discriminations. Under it, for a haul of one hundred miles, a carrier could charge, for four tons of compressed wool, fourteen dollars and forty cents, but could not charge more for the same distance on four tons of wool in sacks, than eleven dollars and twenty cents. The wool might be of the same quality and value, the only difference in the lots being in the manner of packing. Of compressed wool twenty thousand pounds can be loaded in one car; of wool in sacks but about eight thousand pounds; hence, to haul the first-named lot the carrier would have to pull but four tons of dead weight, or eight tons in all. To haul the second lot he would be compelled to pull ten tons of dead weight, or fourteen tons in all; or, on the compressed wool the carrier might charge at the rate of two dollars and eighty cents per gross ton drawn, while on the wool in sacks he would be limited to about eighty cents per gross ton drawn.

Take another illustration: Empty fruit-boxes would, under the provisions of section nine, be rated first class, and in less than car load quantities, charged for a twenty-five pounds each, but if shipped in quantities sufficient to fill a car, charges can be collected on their actual weight only. About five hundred can be loaded in an ordinary box car; hence section nine of Mr. Archer's bill would permit the carrier to charge a man, for hauling two hundred and fifty empty fruit boxes, one hundred miles, twelve dollars and fifty cents; but the shipper's neighbor, who has ordered five hundred, can be charged for the same haul only seven dollars.

So with cattle. The bill, as passed by the Assembly, permits a charge of twenty-four dollars upon ten (10) head, but only fourteen dollars and forty cents upon eighteen head (a car load), for the same haul of one hundred miles.

Many examples of the same inconsideration in the construction of the bill can be given.

Section six, line forty-one of the bill, stipulates that less quantities than a car-load of articles for which a specific car-load rate is provided, shall not be charged to exceed an advance of fifteen per cent. upon the car-load rate for the same article, which, in many cases, conflict with other provisions of the same section, fixing the rates on several classes of freight.

For example: For a one-hundred-mile haul, the rate on a car load of green fruit would be third class, or three dollars and twenty cents per ton; under the clause beginning with line forty-one of section six, the rate on less quantities of the same would be fifteen per cent. above third class (three dollars and twenty cents), or three dollars and sixty-eight cents per ton. Yet the same bill fixes the rate on first class freight at four dollars per ton for one hundred miles, and classifies green fruit, in less than car-load quantities, as first class.

So with charcoal, which is rated fourth class (two dollars and eighty cents for one hundred miles), in car load lots and, under the clause of section six, last referred to, would be fifteen per cent. more, (or three dollars and twenty-two cents per ton for one hundred miles), for less than car-load quantities; yet in another place, it is rated first class (or four dollars per ton for one hundred miles), for small loads. Likewise with steam engines. In car loads, they are rated fourth class, or two dollars and eighty cents per ton for one hundred miles; in less than car loads, by section six, they are rated at fifteen per cent. above fourth class, or three dollars and twenty-two cents per ton for one hundred miles, while section nine classifies them second class, which allows a rate of three dollars and sixty cents per ton for one hundred miles.

Again; the rate on flour in car loads is given (the same as grain), for one hundred miles, two dollars per ton; by the operations of section six the rate for the same distance upon less than car-load lots would be (\$2 + 15 per cent.) two dollars and thirty cents per ton; yet flour, in small quantities, is made fourth class freight by section nine, which permits a rate of two dollars and eighty cents per ton for one hundred miles.

By the same provisions, the rates upon machinery, agricultural implements, excavators, and other important classes of freight, are rendered equally ambiguous and contradictory.

Referring particularly to the classification of freight made by the bill in question, on page seven of his minority report, Mr. Archer makes the following assertion: "The classification of freight provided for in this bill is the same as is now used by the Central Pacific Railroad for all through freight passing over its line from Ogden to San Francisco, (excepting grain, lumber, wood, and a few of the coarse articles of California production), and by all great Eastern roads."

This statement is altogether erroneous. The classification of the bill in question, is *not* the one used by the Central Pacific Railroad, for through freight, *nor* is it used by any of the great Eastern roads. It has the form of our classification for trans-Mississippi freight, west-bound,

but is simply a conglomerate of the terms employed in that classification, and in the classification for east-bound through-freight, and our general local tariff, thrown together indiscriminately, without consideration of the varying requirements of the trade it is proposed to govern.

It is contradictory. Witness a few examples: Agricultural implements, in less than car loads, are rated in one place first class, in another second, and in still another one and a half times first class. Live fowls, in car loads, are placed under head of fourth class, but live poultry, in car loads, is found under class three. Galvanized iron is placed in fourth class, and in Class B, also. Telegraph insulators and battery material are provided for twice; once in first class, and again in class four. The same is true of wagon-poles and shafts. Fire-clay is classed under A, also under B.

It is ambiguous. For example: Under head of fourth class is found the following: "Flour, in car loads, same as grain. Mill-stuff, in car loads, same as grain." Placing these articles under head of fourth class, permits a charge of two dollars and eighty cents per ton for hauling a car load one hundred miles; yet the words, "same as grain," would make the legal rate doubtful were the bill enacted.

The rate on corn and corn meal is equally uncertain, the articles being placed in Class B, as follows: "Corn meal and corn, in car loads, same as grain." In the same way are the rates upon lumber and shakes, etc., confused.

In car load lots, they are classed under B, for which class of freight the bill provides that two dollars per ton may be charged for one hundred miles; yet by another proviso, the rate on same for one hundred miles is made not to exceed one dollar and eighty cents per ton.

It is inconsistent. Common brick, in car loads, is classed higher than bath brick or fire brick, in car loads; junk, in car loads, is rated Class A, while alcohol is classed under head of B; potatoes are placed in fourth class, while clothes-pins are found in Class B; quicksilver, in small quantities, is rated fifteen per cent. above fourth class, or three dollars and twenty-two cents per ton, for one hundred miles; while green fruit is first class, or four dollars per ton. The first is worth over one thousand dollars per ton; the latter, upon the average, not more than one hundred dollars per ton.

In like manner, one can go through the whole list of articles enumerated, until the incongruities discovered amount to absurdities.

The classification wisely (?) provides car load rates for epsom salts, hoop-skirt wire, and Florida water, but fails to make provision for mining and milling salt, hops, lime, etc.

It classifies freight lower than any of the great Eastern roads, for example:

The following-named articles of general merchandise, which are rated first, second, and third class by Eastern lines, are reduced by Mr. Archer's classification to fifteen per cent. above Class A, if shipped in less quantities than a car load:

Agricultural implements; alcohol, high wines, whisky, etc.; ale and beer; axles; backing; baking powder; butts; staples, etc.; candles; copying presses; currants; earthen and stone ware; emigrants' moveables; ginseng; glass ware; glycerine; gunny bags; hoop-skirt wire; horse nails; household goods; ink in glass; iron locks; matches;

marble, wrought; oil cloth; oil; packing; paints; paper; prunes; retorts; rubber hose; epsom salts; saltpeter; scale and scale beams; school slates; spelter and solder; spirits of turpentine; stamped ware; stoves; jacks; tin pans and covers; yeast cake; zinc and varnish.

And the articles below enumerated are rated by Mr. Archer at fifteen per cent. above Class B, when shipped in less quantities than a car load, while the Eastern roads place them in first, second, and third class.

Alcohol, twenty dollars valuation per barrel; paper bags; benzine; binders' boards; bitters; blacking; blue vitriol; bottles; boiler flues; canned fish and meats; car springs; clothes-pins; coal oil; concentrated lye; condensed milk; condensing tubes; cove oysters; Florida water; gasoline; gas pipe; handles; hominy; ink, printing and writing; hoop and sheet iron; lead pipe; liquors in wood; paper, printing; paints; prune juice; rice, and shot.

Third—The rates proposed are ruinously low. They are lower per mile for freight, which will average a haul of but one hundred and forty-six miles to the ton, than we now obtain upon all through freight (excepting trans-Mississippi) upon which the average haul per ton will be eight hundred and sixty-eight miles. In this connection, please note that on page seven of the minority report of the author of the bill is given what is represented to be the "tariff of charges on through freight, at this date, from Ogden to San Francisco, in currency." They are not as represented, however. I quote them, and place the correct rates opposite:

	Rates per ton per mile, in cents, as they exist	Rates per ton per mile, in cents, as they exist in first class above.
First class	4	6.22
Second class	3.10	5.10
Third class	2.10	4.10
Fourth class	2	3.10
Class A	1.6	3.10
Class B	1.3	3.10
Class C	1.1	3.10
Class D	1	3.10

The average of all the classes, according to the report, being two and one hundred and twenty-five one-thousandths cents per ton, per mile, while the average of the actual rates above quoted is about four and seven-tenths cents, or two and five hundred and seventy-five one-thousandths cents per ton per mile more than as reported by the Assembly minority committee; or, if we compare the schedule presented by the committee, with the rates charged from Ogden to San Francisco, on freight originating at Omaha or east thereof, the showing is:

	Rates per ton per mile, in cents, as per report	Rates per ton per mile, in cents, as actually charged
First class	4	4.27
Second class	3.10	3.10
Third class	2.10	2.70
Fourth class	2	2.10
Class A	1.6	1.60
Class B	1.3	1.30
Class C	1.1	1.10
Class D	1	1.10

Proving that we now obtain, on the very lowest class of our through traffic, an average in rate per ton per mile of two and forty one-hundredths cents, or fifteen per cent. more than the minority committee's statement gives as the charge from Ogden to San Francisco on all through freight.

Excluding grain, lumber, shingles, staves, wood, and coal, the rates proposed by the Archer bill will permit us to charge an average of not more than three cents per ton per mile for distances of fifty-one miles and upwards, which is thirty-six per cent. less than the rates now obtained for a haul of eight hundred and eighty-three miles, and to a market where we meet active competition upon the part of the Union Pacific Railroad Company. Include grain, lumber, etc., and an average of the rates we would be permitted to charge equals about two and six hundred and eleven one-thousandths cents per ton per mile, or about eight per cent. more than an average of the rates obtained upon freights interchanged with the cities of the Western and Atlantic States. To repeat instead, as stated upon page seven of the minority report, of the rate proposed by the bill under consideration, averaging from fifteen to one hundred per cent. more than is now charged upon through freights by the Central Pacific Railroad, their average is thirty-six per cent. less than the average of the ordinary through freight rates, and but seven per cent. more than the average of the low rates upon trans-Mississippi traffic.

They are lower per mile than the rates of the great Eastern roads, whose tonnage, per mile operated, averages from five to twelve times that of the Central Pacific Railroad. Appended are two statements, marked respectively "B" and "C," showing the rates of the "Archer bill" for twenty-five, fifty, one hundred, two hundred, and three hundred miles, compared with the rates for like distances charged by the Union Pacific, Lake Shore and Michigan Southern, Chicago, Burlington and Quincy, Illinois Central, Ohio and Mississippi, Pennsylvania Central, Michigan Central, New York and Erie, Pittsburgh, Fort Wayne and Chicago, and Chicago, Danville and Vincennes Railroads.

On first-class freight, for distances of twenty-five miles, the rate per ton per mile of the above roads range from six to twenty-four

and eight-tenths cents. The Pennsylvania Central being nine and six-tenths cents, the lowest of all but the Pittsburgh, Fort Wayne and Chicago Railroads. Archer's bill allows but an average of five and ninety-two one-hundredths cents, on same class for a like distance.

On same class of freight, and distances of fifty miles, the range at Eastern rates, is from five and two-tenths, to seventeen and two-tenths cents per ton per mile, against an allowance of three and ninety-six one-hundredths cents by Assembly Bill No. 182. In this case, as above, the Pittsburgh, Fort Wayne and Chicago road is the lowest; the Pennsylvania Central, which charges seven and six-tenths, or nearly double the rate allowed by the Archer bill, being next.

For distances of one hundred miles, Mr. Archer proposes to permit an average rate of four cents per ton per mile, on freight he terms first class, while the range of first-class rates for like distances by Eastern roads, is from five to ten and sixty-three one-hundredths cents, the road whose rate is lowest being the same as in the other cases, and the rate of the great Pennsylvania Central being six cents or fifty per cent. more than it is proposed to allow California roads.

For two hundred mile distances, the first-class rate per ton per mile of the Pittsburgh, Fort Wayne, and Chicago Railway averages four and nine one-hundredths cents, the Michigan Central's, five and forty one-hundredths cents, and those of the other roads named, from five and sixty one-hundredths to nine and eighty-three one-hundredths cents; yet the Central Pacific Railroad would be restrained, by the pending bill, from charging more than four cents per ton per mile.

It is only when a distance of three hundred miles is reached that any of the Eastern roads approximate the rates proposed by the "Archer bill," and in but one case, that of the Pittsburgh, Fort Wayne, and Chicago Railway, do they, even then, get below Mr. Archer, and the latter road is but seven one-hundredths cents below him.

Upon examination of the appended Exhibits B and C, the above comparison of first-class rates will be found to be a fair example of all other classes, when compared in like manner.

In connection with this showing, it must be borne in mind that first and second classes upon the Eastern roads include many of the articles rated third and fourth class by Mr. Archer, while nearly all the articles placed by Mr. Archer in Classes A and B are, by Eastern roads, made first, second, third, and fourth.

I have applied the rates and classification proposed by Mr. Archer, to each way-bill for freight hauled upon the Visalia Division during the month of September, eighteen hundred and seventy-five, and find that the freight earnings of that division would have been twenty-six thousand two hundred and eighty-three dollars and ninety-four one-hundredths cents. The actual earnings, under our local tariff, were one hundred and fourteen per cent. greater.

The application of the proposed tariff to the Visalia Division, as above described, affords a basis for a very close estimate of what the result would be were the other California divisions treated likewise, and the estimate shows their earnings, under the ruling tariff, to be greater than they would be under the rates provided in Mr. Archer's bill, by, for the Western Division, about nineteen per cent.; Oregon Division (Sacramento Valley), about one hundred and seven per cent.; Sacramento Division (mountain railroad), about one hundred and thirty-eight per cent.

The foregoing statements are founded upon easily proven facts, in view of which no just man, willing to be informed, can advocate, and certainly no legislative body, having due regard to the rights of railroad companies, can enact Mr. Archer's bill.

Mr. Stubbs, for the same company, submitted a further statement, as follows:

Permit me to call your attention to some additional errors in the statements, and consequently in the inferences drawn therefrom, in the minority report of the Assembly Committee on Corporations.

On page eight, it is stated "that the average charges for transporting all through and local freight, for the year eighteen hundred and seventy-four, on the Union Pacific Railroad (where, owing to the higher altitude and severer storms, the cost of operating is greater per mile than on the California roads); was only one and eighty-four one-hundredths cents per ton per mile, or one half the average charge per ton per mile of the Central Pacific Railroad, as given by Governor Stanford."

As you are aware, the Union Pacific Railroad has not upon its whole line as difficult or as expensive a piece of road to operate as the division between Sacramento and Truckee, upon which we reach the highest point, rising six thousand nine hundred and eighty-seven feet, within one hundred and four miles, or an average of sixty-seven feet per mile, while the Union Pacific, to reach their highest point, rise, in the one hundred and four miles east of Sherman, but fourteen hundred and ninety-two feet, or an average of fourteen feet per mile.

On all our supplies, such as oil, iron, etc., we must pay the Union Pacific freight, and by the amount of their charges is that expense to us greater than their expenses. In view of these and other equally pertinent and well-known facts, it is hardly reasonable to argue that the operating expenses of California roads are less than those of the Union Pacific.

The average charge for freights by the Union Pacific Railroad, above quoted, includes company's freight, and compares with the average rate in coin of the Central Pacific Railroad (inclusive of company's freight,) for the same year, as one and eighty-four one-hundredths is to two and seven twenty-five one-thousandths, showing our rate per ton per mile, to have been less than fifty per cent., instead of one hundred per cent. greater, than the Union Pacific's.

Accompanying said report, and marked "Exhibit A," is a tabulated statement intended to show the receipts, expenditures, gross earnings per mile, etc., of several roads, as follows:

First—Central Pacific Railroad, for eighteen hundred and seventy-four.

Second—Union Pacific Railroad, for eighteen hundred and seventy-four.

Third—Lake Shore and Michigan Southern Railroad for eighteen hundred and seventy-four.

Fourth—Pennsylvania Central Railroad for eighteen hundred and seventy-four.

Fifth—New York Central Railroad for eighteen hundred and seventy-four.

Sixth—Erie Railroad for eighteen hundred and seventy-four.

Seventh—Pittsburgh, Fort Wayne and Chicago Railroad for eighteen hundred and seventy-four.

Eighth—Atlantic and Great Western Railroad for eighteen hundred and seventy-four.

Ninth—Alleghany Valley Railroad for eighteen hundred and seventy-four.

Tenth—Illinois Central Railroad for eighteen hundred and seventy-four.

As the data whence the inferences (see page eight, beginning with first line) of the minority committee are drawn, they will be interesting to examine.

A careful examination proves the showing to be deceptive, as comparisons with the earnings of the Central Pacific Railroad, and with respect to some of the roads above named, entirely untrustworthy. The showing for the Central Pacific Railroad Company on page eight is not correct.

As it will be readily conceded that a dollar in coin with us is no more than the equivalent of a dollar in currency with Eastern railroads, I make, for the purposes of comparison, the following correct exhibit in coin, and include under head of operating expenses the items covered by that term in the exhibits for the roads with whom the comparisons are made:

Central Pacific Railroad for 1874:

Total receipts, including leased roads	\$13,077,173 65
Total operating expenses, including leased roads, general expenses, and taxes	5,897,652 48
Gross earnings, per mile	10,184 71
Average haul per ton, in miles	257
Average tons per mile operated	838
Average charge for freight (including company's freight) per ton per mile, in cents	27.75

Central Pacific Railroad for 1875:

Total receipts, including leased lines	\$14,018,521 38
Gross earnings, per mile	10,709 33

Showing an increase in one year of five and fifteen one-hundredths per cent. (instead of fifteen per cent., as stated on page nine of the report), with over forty-two million pounds more through freight (instead of forty million pounds less, as the committee reports on page eight), and the percentage of expenses to receipts for eighteen hundred and seventy-four, to be over forty-five per cent., instead of forty-one per cent., as stated on page nine. On page ten, the minority committee states that according to the exhibit of earnings and expenses for eighteen hundred and seventy-four, of the Union Pacific Railroad, the per cent. of operating expenses (not including interest and taxes), to gross earnings, was forty-four per cent. By reference to Poor's Manual for eighteen hundred and seventy-five, page seven hundred and sixty-one, it will be seen that the item of operating expenses, as given in the exhibit of the minority committee, includes taxes. Please note, also, that the average rate per ton per mile includes company's freight.

A just comparison between the Central Pacific Railroad and the

Union Pacific Railroad for eighteen hundred and seventy-four would show as follows:

	C. P. R. R. Coin.	U. P. R. R. Currency.
Gross earnings per mile of road	\$10,184	\$10,252
Per cent. of expenses to earnings	45	44
Average rate per ton per mile, in cents	2 $\frac{75}{100}$	1 $\frac{84}{100}$

Showing, that while the Union Pacific Railroad Company earned sixty-five thousand dollars per mile more than the Central Pacific, the latter exceeded the former by nearly forty-nine per cent. in the charge per ton per mile on freight, and demonstrating that the average rate per ton per mile is not a just criterion of comparison between railroads, unless their traffic is identical in kind and amount. Greater earnings per mile and a less rate per ton per mile could result only by handling more tons of low class freight or (as the rate per ton per mile decreases as the haul increases in length) by averaging a longer haul per ton. We find both elements worked to produce the comparatively favorable showing for the Union Pacific Railroad.

In eighteen hundred and seventy-four the Union Pacific Railroad hauled two hundred and eighty-six thousand four hundred and three tons of commercial coal, which could have been moved only at the minimum rates, and the average haul per ton on same road was five hundred and seventeen miles, against an average haul of two hundred and sixty-seven miles per ton on the Central Pacific Railroad. With this and the further consideration that the rates per mile of the Union Pacific Railroad, upon all the through freight interchanged by the Eastern States and California, are the same as those of the Central Pacific Railroad, the lower average rate per ton per mile and the higher gross earnings per mile, shown by the Union Pacific Railroad, compared with the Central Pacific Railroad, evinces that the rates of the former on general merchandise might have been higher than those of the Central Pacific road. An examination of their local tariff proves that they were very much higher, to substantiate which, I offer herewith (and can produce the tariff in support of it) a statement marked "D," comparing the first, second, and third class rates of the Central Pacific Railroad, from San Francisco to points on the Western, Visalia, and Oregon Divisions, with those charged by the Union Pacific Railroad on first, second, and third class freight for like distances.

The table presented on page ten of the report under review, as a showing of the Lake Shore and Michigan Southern Railroad's receipts, expenses, etc., for eighteen hundred and seventy-four, is erroneous.

	Should be,	Instead of as the committee report.
Miles operated-----	1,175 ³⁹ / ₁₀₀	1,404
Gross earnings per mile-----	\$14,588	\$12,211
Average rate per ton per mile-----	1 18	2 18
Average haul of each ton, miles-----	191 ⁴ / ₁₀₀	
Average tons carried per mile operated-----	4,443	

The percentage of operating expenses to gross receipts equals sixty-two per cent., but the operating expenses for eighteen hundred and seventy-four includes the renewal of over eighty miles of track with steel rail and one hundred and fifty-seven miles with iron rail. (See Poor's Manual, 1875-6, page 442, and the annual report, for 1874, of Lake Shore and Michigan Southern Railroad Company, page 25.)

The table offered upon page eleven of the minority committee's report, as an exhibit of the receipts and expenditures of the Pennsylvania Central Railroad and branches, grossly misrepresents that road in order to make a comparison with the Central Pacific road, unfavorable to the latter.

According to Poor's Manual (1875-6, page 372,) to be fair and correct, the exhibit should be as follows:

	Should be,	Instead of as the committee report.
Number of miles operated-----	877	1,552
Total receipts, 1874-----	\$22,642,371	
Total operating expenses-----	13,245,447	
Net earnings-----	9,396,924	
Gross earnings per mile-----	25,817	\$14,589 00
Average haul per ton, in miles-----	159	
Average number of tons carried per mile-----	9,837	
Per cent. of operating expenses to receipts-----	58	

Contrary to the statement of the minority committee, the item of operating expenses does include taxes.

Of the above earnings twenty million two hundred and ninety-nine thousand three hundred and thirty and eighty-eight one-hundredths dollars were earned upon the three hundred and fifty-eight miles of main line, or at the rate of fifty-six thousand seven hundred and two dollars per mile.

The low average rate per ton per mile is accounted for by the vast tonnage (over twelve times as much per mile as the tonnage of the Central Pacific Railroad), of which over four million tons, or nearly one half was coal.

The showing for the New York Central and Hudson River Railroad, for the fiscal year eighteen hundred and seventy four-five, should have been as follows:

	Should be,	Instead of as the committee report.
Length of line operated, miles-----	1,000	
Average rate per ton per mile on freight-----	1 ⁴⁶² / ₁₀₀₀	
Total receipts-----	\$31,650,386 72	\$29,126,851
Operating expenses-----	18,388,297 56	17,641,987
Net earnings-----	13,262,089 16	11,484,864
Gross earnings per mile-----	31,650 38	16,990
Average haul for each ton carried, miles-----	227	
Average number of tons per mile operated-----	6,114	

(See Poor's Manual 1875-6, pages 176-7, etc.)

The showing for the Erie Railway, for the fiscal year eighteen hundred and seventy-three-four, should appear as follows, according to Poor's Manual (1875-6, page 120).

	Should be,	Instead of as the committee report.
Length of lines operated, miles-----	1,042	1,637
Aver. rate per ton per mile on all freight-----	1 ³¹² / ₁₀₀₀	
Total receipts-----	\$18,595,898 76	
Operating expenses-----	13,563,738 32	
Net earnings-----	5,032,160 44	
Gross earnings per mile-----	17,846 35	\$11,360 00
Average number of tons per mile-----	6,108	
Average length of haul, miles-----	165	

The correct showing for the Pittsburgh, Fort Wayne, and Chicago Railroad for eighteen hundred and seventy-four—

	Should be,	Instead of as the committee report.
Length of line, miles-----	500 ¹⁶ / ₁₀₀	517
Total receipts-----	\$8,599,472 46	\$8,675,738
Operating expenses-----	5,055,330 77	4,784,967
Net earnings-----	3,544,141 69	3,890,762
Gross earnings per mile operated-----	17,178 00	16,780
Average number of tons hauled per mile-----	4,598	
Average haul of each ton, miles-----	203	
Average rate per ton per mile, cents-----	1 ²⁵⁷ / ₁₀₀₀	

The showing, according to Poor's Manual, eighteen hundred and seventy-five-six, for the Illinois Central Railroad, Ohio and Mississippi Railroad, Michigan Central Railroad, and the Chicago, Burlington, and Quincy Railroad, is as follows:

	Illinois Central Railroad.	Ohio and Mississippi Railroad.	Michigan Central Railroad.	Chc., Bur. and Quincy Railroad.
Gross earnings, per mile-----	\$7,136 05	8,805 25	21,742 86	9,184 00
Aver. rate per ton per mile, cts-----	2 ⁰³ / ₁₀₀	1 ⁵² / ₁₀₀	1 ¹ / ₁₀	1 ⁸⁰ / ₁₀₀
Aver. haul of each ton, miles-----	132	157	196	182
Aver. tons hauled per mile-----	1,870	2,358	5,593	1,932

According to Poor's Manual, eighteen hundred and seventy-five-six, the exhibit for other roads named in the minority report should be as follows:

	Atlantic and Great Western Railroad.	Alleghany Val- ley Railroad.
Gross earnings per mile-----	\$3,000 00	\$9,517 00
Average rate per ton per mile, cents-----	1 ⁷⁷ / ₁₀₀	2 ⁵⁴ / ₁₀₀
Average haul of each ton, miles-----	118	40
Average tons hauled per mile-----	4,479	6,904

As it has been shown that the average rate per ton per mile is not a fair test of the rates charged by a railroad company, especially when making comparisons of roads, in order to afford a correct idea of the relative rates for freight charged upon California and Eastern roads, appended hereto, marked respectively E, F, G, H, I, K, L, and M, will be found statements showing the actual first, second, and third-class rates charged by the Central Pacific Railroad from San Francisco to points on the Western, Visalia, and Oregon Divisions, compared with the actual rates—ascertained from published tariffs in my possession—charged upon first, second, and third class freights, for like or approximate distances, by all the roads, in the exhibit appended to the minority report, except the New York Central, Atlantic and Great Western, and Alleghany Valley Railroads, whose tariffs are not available.

Mr. Stubbs then proceeded to make a comparison between the bill under consideration and the "Freeman bill" of two years ago. He said that he believed that the "counsel for the opposite side," Mr. Cohen, on yesterday, had pronounced the "Freeman bill" an unjust and unfair measure. Taking that admission as binding, he would proceed, and by comparison show that that celebrated monstrosity was even more just in its allowances than the bill now sought to be forced through the Legislature. While that bill classed everything together, the Archer bill provided six classes. By tables he showed that the relative charges permitted by the two bills were substantially

the same for the first nine or ten miles of road. This distance, however, was open for teams, and very little business was done for that part of the line alone, so that it made no difference what was charged for that distance. For the first twenty-five miles of travel the Freeman bill allowed the road to charge per ton per mile in excess of the amount allowed by the Archer bill, as follows: General merchandise, twenty-four and forty-nine one-hundredths per cent.; grain, sixty per cent.; lumber, eighty-six per cent.; wood, one hundred and forty-four per cent. For distances of fifty miles the Freeman exceeds the Archer bill—on general merchandise, thirty-seven and sixty-three one-hundredths per cent.; grain, eighty-one and eighty-seven one-hundredths per cent.; lumber, one hundred and six and twenty-eight one-hundredths per cent.; wood, one hundred and fifty-eight per cent. For distances of seventy-five miles the Freeman exceeds the Archer bill in like proportion, and so on, through all the distances possible; as will fully appear, by reference to the tabular statement entitled "Rates per ton proposed by the Archer bill, compared with the rates per ton provided for by the Freeman bill, introduced into the Assembly December fifth, eighteen hundred and seventy-three," inserted in this report.

TESTIMONY OF A. N. TOWNE.

A. N. TOWNE was sworn and gave his statement as follows:

The statement made by Mr. Stubbs was as full and complete as could be. I am General Superintendent of the Central Pacific Railroad Company. I will first take the Visalia Division. The earnings of that road under the Archer bill would not permit us to realize enough to sustain its operation. We have carefully computed the earnings for the month of September, one of the largest receipt months of the year, and we find that the bill would give us returns below the cost of operating that division. It has no connection south, merely a local road running through a sparsely-settled section, and produces very little business either one way or the other. The entire earnings for the month named under the Archer bill would be forty-one thousand two hundred and forty-four dollars and thirty-one cents, the earnings of a road two hundred and forty-two miles long. This amount is one hundred and nine per cent. below what we actually earned; and yet the amount named—forty-one thousand two hundred and forty-four dollars and thirty-one cents—would not pay the operating expenses of the road. To apply the provisions of this bill it would render the road useless and inoperative. The same may be said of the California and Oregon Division. The earnings upon that division were a little more, in proportion, than upon the Visalia Division, and but a little. As Mr. Stubbs has already shown you, the earnings per mile upon the Visalia, as well as other divisions of the road, is lower per mile than those of Eastern roads.

Mr. Farley—Are you familiar with the running of Eastern roads?

Mr. Towne—Yes, sir. I am.

Mr. Farley—Where the traffic is many times greater in volume than here?

Mr. Towne—Yes, sir.

Mr. Stanford—What effect would the bill have upon the California Pacific Railroad?

Mr. Towne—The earnings of the California Pacific Railroad for the entire year of eighteen hundred and seventy-five would not be sufficient to operate the road to meet expenses under the Archer bill, within one hundred and eighty thousand two hundred and thirty-four dollars and fifty-eight cents.

Mr. Lindsey—What was the expense of operating the Visalia branch?

Mr. Towne—For the month of September, one hundred and seventeen thousand two hundred and forty dollars and forty-five cents.

Mr. Lindsey—How does that compare with the expense of operating the Oregon branch?

Mr. Towne—I have not figured that division. I should think very favorably.

Mr. Lindsey—What are the elements which enter into the making up of the expense of running that branch?

Mr. Towne—Station service, train service, locomotive service in detail, interest, taxes, rentals, etc.

Mr. Lindsey—Renewal of rails—is that included?

Mr. Towne—Yes, sir; in the track repairs embraced in the statement.

Mr. Lindsey—Are the expenses of the California Pacific about the same per mile?

Mr. Towne—Yes, sir.

Mr. Lindsey—What leads you to conclude that the California Pacific would not furnish business enough to pay running expenses?

Mr. Towne—By applying the rates of the bill for one month, as compared with the tariff as it is at present.

Mr. Lindsey—Has the California Pacific got all the business it can do, or is it diverted to the Western Pacific?

Mr. Towne—It is getting all it can do, none being diverted to the Western Pacific.

TESTIMONY OF PETER DONAHUE.

Colonel PETER DONAHUE, owner of the San Francisco and North Pacific Railroad, made a statement under oath as follows:

I have been in the railroad business for some time, and I find that this bill, now before the Senate, will cause me much injury; it will injure me to such an extent that I will not be able to operate my road. It lowers the rate so much that the reduction would make it perfectly useless to run the road. The whole length of my road, including water rights, is ninety miles. We are building a branch of sixteen miles into the redwoods, which will make the length of the road one hundred and six miles. The Archer bill includes water and land lines in the same classes, so it makes no difference, so far as the line is concerned, whether we travel by rail or by water. We have thirty-six miles of water and fifty-four miles of rail travel between San Francisco and Cloverdale. We have been building a branch road from Fulton to the redwoods, a distance of sixteen miles, and it is now nearly completed. The road is all under one ownership. The principal object in building the branch road is to get the lumber carriage which must spring up, as well as that of coal,

charcoal, and wood. Under this bill we cannot complete and run the road. Teams now do all the hauling there, and it is very expensive. I have examined the Archer bill, and have had my freight clerks examine it. We have made a comparative statement which will be submitted. I do not know what amendments are proposed. I understand they will apply to roads under one hundred miles in length. That will not apply to us at all, for our road will be one hundred and six miles long very soon. Our road could not be operated under the bill as it is. I did anticipate extending my road this spring some thirty miles further, but I cannot do it under the Archer bill.

Mr. Farley—Could you—speaking from your knowledge as a railroad man—or any other party, proceed to build roads under the provisions of the Archer bill? Would you or others invest capital in the construction of railroads?

Mr. Donahue—No sane man would do it. I would not.

Mr. Gibbons—Would it be a fair question to ask you about what is the percentage of profits on your road under the present rates?

A.—I have never had a dollar from the road yet. Besides putting into the road all it earns, I put in also all my income from other sources. When I took hold of it, it required equipment and many improvements, and I have been doing all I could to make it a first class local road. When I went there, the country was very thinly settled. People could not get in and out of the country easily. Since our road was completed population has increased, and from the gain in value of lands, products, and the steady flow of immigration, we are satisfied that the road will soon pay very well.

Mr. Farley—Do the people of Sonoma County complain of your charges?

A.—Not at all.

Mr. Graves—This bill largely reduces them, does it?

A.—Yes, sir.

Mr. Gibbons—About what percentage of reduction would there be?

A.—There would be a loss to us in merchandise of thirty-one and one-half per cent.; in grain, fifty-five per cent.; on live stock, forty-three per cent. Our water travel has heavy competition, and we have to carry goods at living rates. Schooners and opposition steamers cause that. On general merchandise, per rail, there would be a discount of fifty-three per cent.; on grain, sixty-five per cent.; wood, etc., fifty-six per cent. You will bear in mind, that the oftener you handle lumber and wood, or freight, generally, the more expensive is the carriage; and for that reason, schooners being able to carry goods direct to the ships without cartage, ferryage, etc., goods intended for foreign marts are sent that way to a very large extent. When our road was incorporated, it was intended to go to Humboldt County. I am unable to carry it there myself without assistance. The people of Ukiah City have offered me sixty thousand dollars if I will build to that place; but I don't know whether I would be justified in accepting even that offer; for throughout the thirty miles to be run to get there, there are not many people, nor is there much prospective business. However, under the Archer bill we could not possibly think of building further. Under that bill, I have as much road as I want, and a little more. We could not pay the expenses of operating the road.

TESTIMONY OF P. E. DOUGHERTY.

P. E. DOUGHERTY, freight clerk of the San Francisco and North Pacific Railroad, next was sworn, and made the following comparative statement, showing the rates now charged and the maximum proposed to be allowed under the Archer bill:

From San Francisco to—	Present rates.	Archer bill.
Donahue, thirty-four miles:		
First-class freight, per ton	\$1 40	\$1 66
Grain	1 60	93
Lakeville, thirty-five miles:		
First-class freight	1 60	1 68
Grain	1 60	94
Live stock, per car	15 00	8 40
Petaluma, forty-two miles:		
First-class freight	2 00	1 82
Grain	1 60	1 01
Ely, forty-five miles:		
First-class	2 00	1 88
Grain	1 60	1 04
Penn, forty-six miles:		
First-class	2 00	1 90
Grain	1 60	1 05
Live stock, per car	15 00	9 50
Goodwin's, forty-seven miles:		
First-class	2 20	1 92
Grain	1 60	1 06
Live stock, per car	15 00	9 60
Pages, forty-nine miles:		
First-class	2 40	1 96
Grain	1 80	1 08
Live stock, per car	16 00	9 80
Santa Rosa, fifty-seven miles:		
First-class	3 00	2 28
Grain	2 60	1 14
Live stock, per car	22 00	11 40
Fulton, sixty-one miles:		
First-class	3 40	2 44
Grain	3 00	1 22
Live stock, per car	24 00	12 20
Mark West, sixty-three miles:		
First-class	3 60	2 52
Grain	3 20	1 26
Live stock, per car	24 00	12 60
Windsor, sixty-six miles:		
First-class	4 00	2 64
Grain	3 60	1 32
Live stock, per car	25 00	13 20

From San Francisco to—	Present rates.	Archer bill.
Grant's, seventy miles:		
First-class	\$4 60	\$2 80
Grain	3 80	1 40
Live stock, per car	26 00	14 00
Healdsburg, seventy-two miles:		
First-class	5 00	2 88
Grain	3 80	1 44
Live stock, per car	27 00	14 40
Lytton's, seventy-six miles:		
First-class	5 60	3 04
Grain	4 00	1 52
Live stock, per car	28 00	15 20
Geyserville, eighty-two miles:		
First-class	6 00	3 28
Grain	4 20	1 64
Live stock, per car	30 00	16 40
Truitt's, eighty-six miles:		
First-class	6 20	3 44
Grain	4 40	1 72
Live stock, per car	30 00	17 20
Cloverdale, ninety miles:		
First-class	6 40	3 60
Grain	4 60	1 80
Live stock, per car	30 00	18 00

That makes a difference to us on merchandise, for first class freight, of thirty-one and one-half per cent.; grain, fifty-five per cent.; live stock, forty-three per cent. On lumber we now charge two dollars and sixty-two and one-half cents per one thousand feet. Archer gives us one dollar and twenty-six cents. That is for the distance from Cloverdale to Donahue. From Fulton to Donahue, twenty-seven miles, we charge one dollar and ninety-three and three-fourths cents per one thousand. Archer gives eighty and one-fourth cents. For the first twenty-five miles of road, Archer gives us more than we are receiving, but for that first twenty-five miles competition is so active that we cannot charge more than we now receive.

Mr. Stubbs then defended his statements submitted on Sunday last, the correctness of which had been assailed by Mr. Cohen. He submitted authorities to show that in all respects the figures given by him then are correct.

COMPARATIVE STATEMENT,

Showing the rates now charged on the San Francisco and North Pacific Railroad, by rail only, for merchandise, grain, lumber, and wood, with those allowed under the Archer bill for same distance; also showing the loss per cent. on these articles:

DISTANCES.	Merchandise—first class, per ton on S. F. & N. P. R. R.	Merchandise—first class—per ton, Archer.	Grain—per ton—S. F. & N. P. R. R., car loads.	Grain—per ton—Archer, car loads.	Lumber—per ton—S. F. & N. P. R. R., car loads.	Lumber—per ton—Archer, car loads.	Wood—per ton—S. F. & N. P. R. R., car loads.	Wood—per ton—Archer, car loads.
5 miles and under.	70	\$1 08	70	64	75	54	75	39
10 miles and over 5	\$1 20	1 18	80	69	\$1 00	59	\$1 00	44
15 miles and over 10	2 00	1 28	\$2 00	74	1 40	64	1 30	49
20 miles and over 15	2 80	1 38	2 25	79	1 50	69	1 40	54
25 miles and over 20	3 20	1 48	2 50	84	1 55	74	1 50	59
30 miles and over 25	3 60	1 58	2 80	89	1 60	79	1 55	64
35 miles and over 30	4 00	1 68	3 00	94	1 70	84	1 60	69
40 miles and over 35	4 40	1 78	3 25	99	1 80	89	1 70	74
45 miles and over 40	4 80	1 88	3 50	\$1 04	1 90	94	1 80	79
50 miles and over 45	5 20	1 98	3 50	1 09	2 00	99	1 85	84
55 miles and over 50	5 60	2 24	4 00	1 12	2 10	\$1 00.8	1 90	89.2
Aggregate	\$37 50	\$17 54	\$28 30	\$9 77	\$17 30	\$8 65.8	\$16 35	\$7 10.2
	Loss per cent. on merchandise, 53 17-75 per cent.		Loss per cent. on grain, 65 135-283 per cent.		Loss per cent. on lumber, 50 per cent.		Loss per cent. on wood, 56 188-327 per cent.	

TESTIMONY OF D. B. HOUGH.

D. B. HOUGH, lumber dealer at Dixon, Solano County, was sworn, and made the following statement:

I wish to say a few words in regard to the Archer bill and the California Pacific Railroad. Since the Archer bill has passed the Assembly it has been the all-absorbing topic of conversation throughout Yolo and Solano Counties, counties through which the California Pacific road runs. The farmers and business men have read and examined the bill, and they thoroughly understand the effect it must have upon the road. Of course you will readily perceive, by reading the seventh and eighth classes mentioned in the bill, that no road could be operated through that country, where the principal business is the transportation of grain and lumber. My business is shipping lumber, and the bill will reduce the freights on the article from two dollars to one dollar per ton for carriage to Vallejo from Dixon, a distance of thirty-nine miles. On that part of the road there is a heavy grade just this side of Vallejo—a grade so steep that going east one locomotive can pull but eleven cars, going west fourteen cars. The present prices suit me, and I do not ask a change. The

people on the line of that road have become greatly alarmed in regard to this matter, and I was requested by them to come here and make this statement. Two years ago this spring, farmers from Dixon, Davisville, Woodland and Vacaville, held a meeting, and, thinking the rates charged by the railroad to be too high, sent a delegation to San Francisco to try and get them lowered. They were lowered, and are satisfactory to all the parties concerned. Since that time there has been no complaint from them. They have built large warehouses at Woodland, Davisville, and Dixon, for the storing of grain, and are very content to pay the rates asked of them. They are becoming alarmed for fear this bill may pass, thus ruining their chances of prosperity for some time to come, being fully satisfied that if the bill becomes a law the railroad cannot be worked.

Mr. Farley—Who requested you to come here?

A.—Business men and farmers of the two counties.

Q.—How many?

A.—Nearly all the grain shippers and a great number of farmers. It is the town and country talk at the present time, and all condemn the bill. I will state that I have not conversed with any man connected with the railroad company on this subject, and was not requested to come here by the railroad company. I never had anything in common with the company other than shipping my goods over the road. I have not been nor am I in their employ. My standing in the community is well known, and I refer you to Senators McCune and Hilborn, both from my county.

Mr. Cohen then reiterated his statement that Stubb's figures were incorrect, and asked the committee to examine the authorities already submitted by him. He repeated his history of the California Pacific Railroad, and his statement that the road could be built for \$2,500,000; that the first managers were dishonest and corrupt, and that through their dishonest practices it had been sunk so deeply in debt that the sum now was nearly \$12,000,000. Roads like that of Mr. Donahue were profitable, for there was a profit, even though it was expended in building and equipping more road. All that was invested was not the less gain, because it went towards building more road.

Mr. Donahue—I understood Mr. Cohen to state that the road of which I am President had paid no profit, according to my statement. I said not so. I said that I had never got a dollar from it, but that, besides all the earnings of the road, I had put in it all my income from other sources.

Mr. Farley—Have you received any aid from the Government in constructing your road?

A.—No, sir; not a cent—never. It is most astonishing to me to find Mr. Cohen here making any statement in reference to my road or any other railroad, from the fact that he himself has been in the business from an early day, and while in it I believe got all he could from the people for fares and freights—squeezed out the last cent. He sold his railroad and ferry to the Central Pacific Railroad Company, and I always supposed that the trade was mutually agreeable, until I learned in conversation with the gentleman himself that he was not satisfied. I said, "It is very strange if you have remained in the employ of the Central Pacific Railroad Company ever since. You have run together for a long time, and although I don't know what

position you occupy, I know that you have certainly officiated for them in very important matters." I wish to state here that I was one of the constructors of the Southern Pacific Railroad, and built the first eighty miles. My partners were Messrs. Newhall and Polhemus. Inducements were held out to us to build the road, and we commenced. And we were to receive from San José we never saw, and built the first eighty miles ourselves. We then sold out to the Central Pacific Railroad Company, and Mr. Cohen officiated in the transaction for the railroad company.

Mr. Cohen—Didn't I buy the road for the Central Pacific as cheap as I could get it?

Mr. Donahue—I guess you did. As the gentleman assails the enterprise in which I have been engaged so long, I feel myself justified in showing that this is a matter of dispute, of grievance, between the Central Pacific Railroad and Cohen.

Mr. Farley—That is not a proper—

Mr. Donahue—I think it is. This is a work to which I am giving my full attention, and I am pressing it now with all diligence, and I don't want to be injured in my rights of property and profit because of the malice existing between this individual and the company. He is prosecuting this bill purely from malice, in the name of the people of the State—

Mr. Farley—As I said before, this is not a proper subject for us to consider.

Mr. Donahue—It affects me, I say. This persecution of railroad interests affects me directly, and I don't want to be made to suffer because there is a disagreement between Cohen and the company.

Mr. Cohen—I said nothing improper of Mr. Donahue. I merely spoke of his road in connection with gross earnings as compared to profits.

Mr. Farley—I will permit no more discussion on the subject. It is not proper for this time and place.

Mr. Cohen—That is quite proper. My relations with the Central Pacific Railroad Company are not in place here. The company have selected another tribunal, and I will meet them there or elsewhere. My motives are not to be considered in determining this question. I ask the committee to determine whether the measure is just or not, and that alone. The motives of the man who presses a righteous bill should not affect that bill in the least.

COMPARATIVE TABLE.

Rates per ton proposed by the Archer bill compared with the rates per ton provided by the Freeman bill, introduced in the Assembly December 5th, 1873.

MILES.	GENERAL MDSE.		GRAIN, ETC.		LUMBER.		WOOD, ETC.	
	Archer	Freeman	Archer	Freeman	Archer	Freeman	Archer	Freeman
1	75	10	60	10	50	10	35	10
2	76.1	20	61	20	51	20	36	20
3	78	30	62	30	52	30	37	30
4	79	40	63	40	53	40	38	40
5	81	50	64	50	54	50	39	50
6	82	60	65	60	55	60	40	60
7	84	70	66	70	56	70	41	70
8	85	80	67	80	57	80	42	80
9	87	90	68	90	58	90	43	90
10	88	100	69	100	59	100	44	100
11	90	110	70	110	60	110	45	110
12	91	120	71	120	61	120	46	120
13	93	130	72	130	62	130	47	130
14	94	140	73	140	63	140	48	140
15	96	150	74	150	64	150	49	150
16	98	160	75	160	65	160	50	160
17	98	160	76	160	66	160	51	160
18	100	160	77	160	67	160	52	160
19	102	160	78	160	68	160	53	160
20	103	160	79	160	69	160	54	160
21	105	168	80	168	70	168	55	168
22	106	176	81	176	71	176	56	176
23	108	180	82	180	72	180	57	180
24	109	180	83	180	73	180	58	180
25	110	180	84	180	74	180	59	180
26	112	180	85	180	75	180	60	180
27	113	180	86	180	76	180	62	180
28	115	180	87	180	77	180	63	180
29	117	180	88	180	78	180	64	180
30	118	186	89	186	79	186	65	186
31	119	190	90	190	80	190	66	190
32	121	190	91	190	81	190	67	190
33	122	190	92	190	82	190	68	190
34	125	190	93	190	83	190	69	190
35	125	190	94	190	84	190	70	190
36	127	190	95	190	85	190	71	190
37	128	190	96	190	86	190	72	190
38	130	190	97	190	87	190	73	190
39	131	190	98	190	88	190	74	190
40	133	195	99	190	89	190	75	190

COMPARATIVE TABLE—Continued.

MILES.	GENERAL MDSE.		GRAIN, ETC.		LUMBER.		WOOD, ETC.	
	Archer	Freeman	Archer	Freeman	Archer	Freeman	Archer	Freeman
41	134	195	100	195	90	195	76	195
42	136	199	101	199	91	199	77	199
43	137	200	102	200	92	200	78	200
44	139	200	103	200	93	200	79	200
45	140	200	104	200	94	200	80	200
46	141	200	105	200	95	200	81	200
47	143	200	106	200	96	200	82	200
48	145	200	107	200	97	200	83	200
49	146	200	108	200	98	200	84	200
50	148	200	109	200	99	200	85	200
51	151	204	102	204	91.8	204	86.2	204
52	154	208	104	208	93.6	208	88.4	208
53	157	210	106	210	95.4	210	90.1	210
54	160	210	108	210	97.2	210	91.8	210
55	163	210	110	210	99	210	93.5	210
56	166	210	112	210	100.8	210	95.2	210
57	169	210	114	210	102.6	210	96.9	210
58	172	210	116	210	104.4	210	98.6	210
59	175	210	118	210	106.2	210	100.3	210
60	178	210	120	210	108	210	102	210
61	181	201	122	210	109.8	210	103.7	210
62	184	213.5	124	213.5	111.6	213.5	105.4	213.5
63	187	217	126	217	113.4	217	107.1	217
64	190	220.5	128	220.5	115.2	220.5	108.8	220.5
65	193	224	130	224	117	224	110	224
66	196	227	132	227	118.6	227	112.2	227
67	199	227	134	227	120.6	227	113.9	227
68	202	227	136	227	122.4	227	115.6	227
69	205	227	138	227	124.2	227	117.3	227
70	210	227	140	227	126	227	119	227
71	213	230.1	142	230.1	127.8	230.1	120.7	230.1
72	216	233.2	144	233.2	129.6	233.2	122.4	233.2
73	219	236.3	146	236.3	131.4	236.3	124.1	236.3
74	222	240	148	240	133.2	240	125.8	240
75	225	240	150	240	135	240	127.5	240
76	228	240	152	240	136.8	240	129.2	240
77	231	240	154	240	138.6	240	130.9	240
78	234	240	156	240	140.4	240	132.6	240
79	237	240	158	240	142.2	240	134.3	240
80	240	240	160	240	144	240	136	240

According to above statement of comparisons, the average of the rates per ton per mile stand as follows:

1 to 25	92.724	115.36	72	115.36	62	115.36	47	115.36
1 to 50	111.66	153.68	84.5	153.68	74.5	153.68	59.5	153.68
1 to 75	136.8	175.67	98.33	175.61	87.15	175.61	75.36	175.67
1 to 80	142.816	179.695	101.937	179.695	90.775	179.695	78.943	179.695

In other words, the rates of the "Freeman bill" exceeded those of the pending "Archer bill" on an average per ton per mile of:

Distances of	Mdse.	Grain.	Lumber.	Wood.
25 miles or less	24.49	60.14	86.06	144
50 miles or less	37.63	81.87	106.28	158
75 miles or less	28.39	78.65	100.88	133
80 miles or less	25.9	76.28	79.78	127

The items included in Classes 1, 2, 3, 4, A and B, by the Archer bill, are all covered by one class by the Freeman bill, therefore the rates in this column are an average of the rates of the six classes above-named of the Archer bill. On distances over eighty miles, the rates compare as follows, per ton per mile:

	Mdse.	Grain.	Lumber.	Wood.
Archer	3	2	1.8	1
Freeman	3	3	3	3

STATEMENT OF W. B. HYDE.

Colonel W. B. HYDE, General Business Agent for the President's office, Central Pacific Railroad Company, next took the stand. He had fully and carefully compared the rates of the Potter law of Wisconsin with the rates proposed in Archer's bill; also, the Archer bill with the rates fixed in Wisconsin only a short time since, as an amendment to the Potter law. The comparisons made by Mr. Hyde may be illustrated by the following table:

Distances.	Archer's bill.	Potter Law of Wisconsin.	New Wisconsin Law.
Grain, in car loads—for distances of	Cents.	Cents.	Cents.
25 miles and less, per ton per mile	3.36	4.8	8.00
50 miles and less	2.18	4.00	5.00
75 miles and less	2.00	3.2	4.26
100 miles and less	2.00	2.8	3.6
200 miles and less	2.00	2.2	2.5

Distances.	Archer's bill.	Potter Law of Wisconsin.	New Wisconsin Law.
Flour—			
100 miles and less	2.00	2.8	3.6
200 miles and less	2.00	2.2	2.5
Lumber, glass, shingles, etc.—			
25 miles and less	2.96	3.2	
50 miles and less	1.98	2.6	
75 miles and less	1.8	2.00	
100 miles and less	1.8	1.7	
200 miles and less	1.8	1.25	
Live stock—			
25 miles and less	2.96	4.00	8.8
50 miles and less	1.98	3.4	8.8
75 miles and less	2.00	2.8	8.00
100 miles and less	2.00	2.5	7.6
200 miles and less	2.00	2.5	5.00
Agricultural implements—			
25 miles and less	3.55	4.4	
50 miles and less	2.36	3.4	
75 miles and less	2.4	2.66	
100 miles and less	2.4	2.3	
200 miles and less	2.4	1.75	
Coal—			
25 miles and less	2.36	3.2	
50 miles and less	1.68	2.8	
75 miles and less	1.7	2.2	
100 miles and less	1.7	1.9	
200 miles and less	1.7	1.45	
Brick—			
25 miles and less	3.55	3.2	
50 miles and less	2.36	2.8	
75 miles and less	2.4	2.2	
100 miles and less	2.4	1.9	
200 miles and less	2.4	1.45	

This last class favors the Archer bill because brick occupies different classes under the two laws. The general showing, however, is, that the Archer bill is more unjust in its rates than was the Potter law, from which the Legislature of Wisconsin has had to recede. That law operated as a check upon railroad enterprise, paralyzed trade, and wrought immense mischief; yet here is a bill more unjust still, more rigid in its requirements, which this Legislature is asked to pass. The comparisons made between the rates proposed and the rates under those two celebrated monstrosities, the Freeman bill and the Potter law, show that Mr. Archer wants to allow even less than those bills permitted. If the bill which became a law in Wisconsin were productive of evil to the State, and had to be amended, allowing liberal rates, what can be said of this Archer bill, and the effect it will have upon the interests of this State?

SCHEDULE A.

Comparison of lumber rates (in dollars per car load) on the Sacramento, Visalia, and Oregon Divisions of the Central Pacific Railroad.

DISTANCES.	Sacramento Division	Visalia Division	Oregon Division	DISTANCES.	Sacramento Division	Visalia Division	Oregon Division
3 miles or less		4	6	70 and 71 miles	35	32	30
5 miles or less	7	7	7	72 and 73 miles	36	33	31
6 miles or less	7	9	9	74 and 75 miles	37	33	31
7 miles or less	8	9	9	76 and 77 miles	38	34	32
8 miles or less	8	9	9	78 and 79 miles	39	34	32
9 miles or less	9	9	9	80 and 81 miles	40	34	32
10 miles or less	10	10	10	82 and 83 miles	41	35	33
11 miles or less	10	11	11	84 and 85 miles	42	35	33
12 miles or less	11	11	11	86 and 87 miles	43	36	34
13 miles or less	11	11	11	88 and 89 miles	44	36	34
14 miles or less	12	11	11	90 and 91 miles	45	36	34
15 miles or less	12	11	12	92 and 93 miles	46	37	35
16 miles or less	13	12	12	94 and 95 miles	47	37	35
17 miles or less	13	12	12	96 and 97 miles	48	38	36
18 miles or less	14	12	12	98 and 99 miles	49	38	36
19 miles or less	14	12	12	100 and 101 miles	50	38	36
20 and 21 miles	15	12	12	102 and 103 miles	51	39	37
22 and 23 miles	16	14	24	104 and 105 miles	52	39	37
24 and 25 miles	17	14	14	106 and 107 miles	52	40	38
26 and 27 miles	18	16	16	108 and 109 miles	53	40	38
28 and 29 miles	19	16	16	110 and 111 miles	54	40	38
30 and 31 miles	19	16	16	112 and 113 miles	55	41	39
32 and 33 miles	20	18	18	114 and 115 miles	56	41	39
34 and 35 miles	20	18	18	116 and 117 miles	56	42	40
36 and 37 miles	21	20	20	118 and 119 miles	57	42	40
38 and 39 miles	21	20	20	120 and 121 miles	58	42	40
40 and 41 miles	22	20	20	122 and 123 miles	59	43	41
42 and 43 miles	22	22	22	124 and 125 miles	60	43	41
44 and 45 miles	23	22	22	126 and 127 miles	60	44	42
46 and 47 miles	23	24	24	128 and 129 miles	61	44	42
48 and 49 miles	24	24	24	130 and 131 miles	62	44	42
50 and 51 miles	25	24	24	132 and 133 miles	63	45	43
52 and 53 miles	26	26	26	134 and 135 miles	64	45	43
54 and 55 miles	27	26	26	136 and 137 miles	64	46	44
56 and 57 miles	28	28	28	138 and 139 miles	65	46	44
58 and 59 miles	29	28	28	140 and 141 miles	66	46	44
60 and 61 miles	30	28	28	142 and 143 miles	67	47	45
62 and 63 miles	31	30	29	144 and 145 miles	68	47	45
64 and 65 miles	32	30	29	146 and 147 miles	68	48	46
66 and 67 miles	33	32	30	148 and 149 miles	69	48	46
68 and 69 miles	34	32	30	150 and 151 miles	70	48	46

SCHEDULE B.

Proposed rates of the Archer bill compared with rates upon same classes for like distances upon the Pennsylvania, Michigan Central, Erie, Pittsburgh, Fort Wayne, and Chicago, and Chicago, Danville, and Vincennes Railroads; comparing also rates per ton per mile.

FIRST CLASS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	1 48	2 40	5 92	9 60	1 48	3 40	5 92	13 66	1 48	4 20	5 92	6 00
50 miles	1 98	3 80	3 96	7 60	1 98	5 60	3 96	11 20	1 98	4 80	3 96	6 00
100 miles	4 00	6 00	4 4	6 4	4 00	7 80	4 4	7 80	4 00	7 00	4 4	6 4
200 miles	8 00	13 12	4 4	6 56	8 00	10 80	4 4	5 40	8 00	11 20	4 4	3 93
300 miles	12 00	14 20	4 4	4 73	12 00	12 00	4 4	4 4	12 00	15 60	4 4	3 93

SECOND CLASS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	1 33	2 00	5 32	8 4	1 33	2 80	5 32	10 40	1 33	3 20	5 32	5 60
50 miles	1 78	3 20	3 56	6 40	1 78	4 60	3 56	9 20	1 78	3 80	3 56	4 80
100 miles	3 60	5 00	3 60	5 4	3 60	6 20	3 60	6 20	3 60	5 40	3 60	4 60
200 miles	7 20	11 20	3 60	5 60	7 20	8 60	3 60	4 30	7 20	8 40	3 60	3 90
300 miles	10 80	11 20	3 60	3 73	10 80	9 60	3 60	3 20	10 80	11 80	3 60	3 90

THIRD CLASS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	1 16	1 80	4 64	7 20	1 16	2 20	4 64	8 80	1 16	2 40	4 64	5 60
50 miles	1 53	2 80	3 07	5 60	1 53	3 80	3 07	7 60	1 53	2 80	3 07	4 40
100 miles	3 20	4 00	3 20	4 4	3 20	5 00	3 20	5 4	3 20	3 80	3 20	3 80
200 miles	6 40	9 20	3 20	4 30	6 40	6 80	3 20	3 40	6 40	6 00	3 20	3 20
300 miles	9 60	9 20	3 20	3 66	9 60	8 00	3 20	2 66	9 60	8 40	3 20	2 33

FOURTH CLASS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	1 03	1 60	4 14	6 40	1 03	1 80	4 14	7 20	1 03	1 60	4 14	5 40
50 miles	1 39	2 20	2 77	4 40	1 39	2 80	2 77	5 60	1 39	2 20	2 77	4 40
100 miles	2 80	4 00	2 80	4 4	2 80	3 80	2 80	3 80	2 80	3 00	2 80	3 20
200 miles	5 60	7 20	2 80	3 40	5 60	5 40	2 80	2 70	5 60	4 60	2 80	2 20
300 miles	8 40	7 20	2 80	2 40	8 40	6 00	2 80	2 20	8 40	6 60	2 80	1 93

GRAIN—CAR LOADS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	84	1 70	3 36	6 80	84	1 40	3 36	5 60	84	1 60	3 36	5 20
50 miles	1 09	2 00	2 18	4 4	1 09	2 40	2 18	4 80	1 09	2 20	2 18	4 40
100 miles	2 00	3 00	2 4	3 4	2 00	3 20	2 4	3 20	2 00	3 00	2 4	3 40
200 miles	4 00	6 70	2 4	2 4	4 00	4 40	2 4	2 20	4 00	4 60	2 4	2 45
300 miles	6 00	9 20	2 4	2 4	6 00	5 00	2 4	1 66	6 00	6 60	2 4	2 06

LUMBER—CAR LOADS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	74	1 60	2 96	6 40	74	1 40	2 96	5 60	74	1 96	2 96	4 40
50 miles	99	2 00	1 98	4 40	99	2 00	1 98	4 40	99	2 85	1 98	3 20
100 miles	1 80	4 00	1 80	4 4	1 80	2 60	1 80	2 60	1 80	3 05	1 80	2 50
200 miles	3 60	7 20	1 80	3 60	3 60	1 80	1 80	1 80	3 60	4 70	1 80	1 60
300 miles	5 40	7 20	1 80	2 40	5 40	4 20	1 80	1 40	5 40	5 90	1 80	1 53

WOOD—CAR LOADS.

Distances.	Rate per ton, dollars.		Rate per ton, cents.		Rate per ton, dollars.		Rate per mile, cents.		Rate per ton, dollars.		Rate per mile, cents.	
	Archer	Pennsylvania	Archer	Pennsylvania	Archer	Michigan Central	Archer	Michigan Central	Archer	Erie	Archer	Pittsburgh, Fort Wayne, and Chicago
25 miles	59	1 60	2 36	6 40	59	1 40	2 36	5 60	59	1 60	2 36	4 40
50 miles	84	2 20	1 68	4 40	84	2 00	1 68	4 40	84	2 50	1 68	3 20
100 miles	1 70	4 00	1 70	4 4	1 70	2 60	1 70	2 60	1 70	3 40	1 70	2 50
200 miles	3 40	7 20	1 70	3 60	3 40	3 60	1 70	1 80	3 40	4 60	1 70	1 60
300 miles	5 10	7 20	1 70	2 40	5 10	4 20	1 70	1 40	5 10	6 60	1 70	1 53

Proposed rates of the Archer bill compared with rates for the same articles and like distances upon the Union Pacific, Lake Shore and Michigan Southern, Chicago, Burlington and Quincy, Illinois Central, and Ohio and Mississippi Railroad; giving also a comparison of the rates per ton per mile.

FIRST CLASS.

[illegible]

SECOND CLASS.

	1 33	3 00	5 32	12	1 33	2 60	5 32	10 40	1 33	3 90	5 32	15 60	1 33	5 20	5 32	20 80	1 33	3 20	5 32	12 60
25 miles	---	1 78	3 00	3 56	10	1 78	4 20	3 56	8 40	1 78	5 70	3 56	11 40	1 78	3 56	14 40	1 78	5 60	3 56	11 20
50 miles	---	1 78	5 00	3 56	10	3 60	6 20	3 60	6 20	3 60	8 63	8 63	3 60	8 01	3 60	8 10	3 60	6 92	3 60	6 68
100 miles	---	3 60	10 00	3 60	10	7 20	8 80	3 60	4 40	7 20	12 74	6 37	7 20	10 70	3 60	5 35	7 20	19 10	3 60	2 45
200 miles	---	7 20	17 40	3 60	8 7	10 80	8 80	3 60	4 40	10 80	13 14	4 38	10 80	12 50	3 60	4 16	10 80	11 80	3 60	3 33
360 miles	---	10 80	23 40	3 60	7 8	10 80	8 80	3 60	4 40	10 80	13 14	4 38	10 80	12 50	3 60	4 16	10 80	11 80	3 60	3 33

THIRD CLASS.

[illegible]

FOURTH CLASS.

Distance	None.	4.14	1.03	1.60	4.14	6.40	1.03	2.96	4.14	11.84	1.03	3.70	4.14	14.80	1.03	2.40	8.16
25 miles----		2.78	1.39	2.60	2.77	5.20	1.39	4.50	2.77	9.	1.39	4.60	2.77	9.20	1.39	3.60	7.20
50 miles----		2.80	2.80	4.00	2.80	4.	2.80	5.76	2.80	5.76	2.80	4.50	2.80	5.50	2.80	4.84	4.84
100 miles----		2.80	5.60	5.60	2.80	2.80	5.60	8.74	2.80	4.37	5.60	7.02	2.80	3.51	5.69	6.84	3.02
200 miles----		2.80	8.40	5.60	2.80	2.80	8.40	9.14	2.80	3.04	8.40	8.03	2.80	2.99	8.40	6.90	2.30

GRAIN—CAR LOADS.

25 miles----	84	1 50	3 36	6.	84	1 60	3 36	6 40	84	1 84	3 36	7 36	84	2 30	3 36	9 20	84	1 80	3 36	7 20
50 miles----	1 09	3 00	2 18	6.	1 09	2 60	2 18	5 20	1 09	2 20	2 18	4 40	1 09	2 76	2 18	4 03	1 09	2 80	2 18	5 60
75 miles----	2 00	6 00	2.	5.	2 00	3 80	2 18	3 80	2 00	3 24	2.	3 24	2 00	3 79	2.	3 79	2 00	3 72	2.	3 72
100 miles----	4 00	8 00	2.	4.	4 00	4 80	2.	2 40	4 00	4 10	2.	2 05	4 00	4 68	2.	2 59	4 00	6 02	2.	2 51
125 miles----	6 00	12 00	2.	3.	6 00	4 80	2.	2 40	6 00	4 30	2.	1 43	6 00	5 64	2.	1 38	6 00	5 50	2.	1 33

LUMBER—CAR LOADS.

225 miles----	74	1 25	2.96	5.	74	1 40	2.96	5.60	74	1 48	2.96	5.92	74	1 80	2.96	7.20	74	1 20	2.96
150 miles----	99	2 50	1.98	5.	99	1 80	1.98	3.60	99	1 95	1.98	3.90	99	2 30	1.98	4.60	99	1 90	1.98
100 miles----	180	4 00	1.80	4.	180	2 80	1.80	2.80	180	2 70	1.80	2.70	180	3 04	1.80	3.04	180	2 40	1.80
50 miles----	360	6 00	1.80	3.	360	3 60	1.80	1.80	360	3 60	1.80	3.60	360	3 84	1.80	3.84	360	3 45	1.80
20 miles----	540	9 00	1.80	3.	540	3 60	1.80	1.80	540	4 20	1.80	1.40	540	4 28	1.80	1.42	540	4 26	1.80

WOOD—CAR LOADS.

25 miles----	59	1 25	2.36	5.	59	1 40	2.36	5.60	59	1 25	2.36	5.04	59	1 30	2.36	5.20	55	1 20	2.36	4.80
50 miles----	84	2 50	1.68	5.	84	1 80	1.68	3.60	84	1 55	1.68	3.10	84	1 80	1.68	3.60	84	1 90	1.68	3.80
75 miles----	170	4 00	1.70	4.	170	2 80	1.70	2.80	170	2 53	1.70	2.53	170	2 50	1.70	2.50	170	2 40	1.70	2.40
100 miles----	340	6 00	1.70	3.	340	3 60	1.70	1.80	340	3 60	1.70	1.80	340	3 40	1.70	1.64	340	3 35	1.70	1.72
125 miles----	510	9 00	1.70	3.	510	5 10	1.70	1.80	510	5 10	1.70	1.23	510	5 10	1.70	1.28	510	4 20	1.70	1.40

SCHEDULE D.

Comparison of the rates (in cents, per one hundred pounds), of freight charged by the Central Pacific Railroad Company between San Francisco and the points named below, with those charged on the Union Pacific Railroad Company for like distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Union Pacific.	Central Pacific.	Union Pacific.	Central Pacific.	Union Pacific.
Western Division.							
4	Oakland Wharf	3	12	3	9	3	7
6	Oakland Point	5	12	5	9	5	7
7	Oakland	6	12	5	9	5	7
9	Brooklyn	7	12	5	9	5	7
12	Melrose	9	13	7	11	7	9
14	Alameda	9	13	7	11	7	9
18	Alameda Wharf	12	15	7	13	7	9
15	Mitchells	9	13	7	11	7	9
16	San Leandro	12	15	7	13	7	11
18	San Lorenzo	12	15	7	13	7	11
27	Decota	12	20	8	17	8	14
30	Niles	12	20	8	17	8	14
33	Washington	15	22	10	19	9	16
37	Warm Springs	15	24	10	21	9	18
41	Milpitas	15	27	12	23	10	19
48	San José	15	28	13	25	11	20
37	Sunol	15	24	10	21	9	18
42	Pleasanton	15	27	12	23	10	19
48	Livermore	15	28	13	25	11	20
56	Altamont	15	33	13	28	11	23
64	Midway	15	35	13	30	11	25
70	Ellis	16	38	14	33	12	28
72	Tracy	16	40	14	35	12	30
75	Banta	16	40	14	35	12	30
79	San Joaquin River	16	43	14	38	12	33
82	Lathrop	16	45	14	40	12	35
92	Stockton	16	50	14	45	12	40
98	Castle	17	55	15	50	13	45
104	Lodi	17	57	15	52	13	47
107	Acampo	17	60	15	55	13	50
113	Galt	18	62	16	57	14	52
120	McConnells	18	65	16	60	14	55
124	Elk Grove	18	68	16	62	14	56
130	Florin	18	70	16	63	14	56
134	Brighton	18	73	16	66	14	59
140	Sacramento	18	78	16	71	14	64
Visalia Division.							
88	Murrano	20½	47	18½	42	16½	37
92	Stanislaus	23½	50	21½	45	19½	40
95	Salida	25	50	22	45	20	40
102	Modesto	28	57	24	52	22	47
107	Ceres	29	60	26	55	24	50
110	Keyes	31	60	28	55	25	50

STATEMENT D.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Union Pacific.	Central Pacific.	Union Pacific.	Central Pacific.	Union Pacific.
115	Turlock	34	62	30	57	28	52
125	Cressey	39	68	35	62	32	56
128	Arena	41	70	37	63	34	56
132	Atwater	43	73	39	66	36	59
139	Merced	47	77	42	70	39	63
149	Plainsburg	53	80	47	73	44	65
156	Minturn	57	83	51	75	46	67
165	Berenda	61	84	55	76	51	68
175	Borden	67	87	60	80	56	73
184	Sycamore	72	92	65	83	60	74
194	Fresno	77	95	70	85	65	75
204	Fowler	83	99	75	89	69	79
214	Kings River	88	103	80	93	73	83
221	Cross Creek	92	107	82	96	75	85
228	Goshen	96	110	86	98	79	86
239	Tulare	109	114	90	100	83	86
249	Tipton	104	116	94	102	87	88
261	Afila	108	119	97	105	91	91
269	Delano	111	120	100	106	94	92
281	Posa	115	128	103	111	97	94
289	Lerdo	117	131	105	113	99	95
302	Sumner	120	137	107	119	101	101
317	Pampa	123	144	109	126	103	108
324	Caliente	125	146	110	128	104	110
<i>Oregon Division.</i>							
169	Lincoln	28	85	26	78	24	71
173	Ewing	29	87	27	80	25	73
176	Sheridan	30	90	28	82	26	73
180	Wheatland	30	90	28	82	26	73
186	Reed's	30	93	28	84	26	75
190	Yuba	30	93	28	84	26	75
192	Marysville	30	95	28	85	26	75
199	Loma	34	97	30	87	28	77
203	Live Oak	36	99	32	89	30	79
210	Gridley	38	101	32	91	30	81
213	Biggs	38	103	34	93	32	83
223	Nelson	42	107	36	96	34	85
229	Durham	44	110	38	98	36	86
231	Roble	44	112	38	99	36	86
236	Chico	45	114	38	100	36	86
240	Shaws	48	115	40	101	38	87
243	Nord	50	115	41	101	38	87
245	Anita	51	115	42	101	39	87
247	Cana	52	116	43	102	40	88
250	Soto	55	116	44	102	41	88
254	Vina	58	117	46	103	43	89
262	Sesma	65	119	49	105	46	91
263	Tehama	65	119	49	105	46	91
265	Tylers	65	119	50	105	46	91
270	Rawson	67	120	52	106	48	92
275	Red Bluff	70	123	54	108	50	93
285	Hooker	80	128	56	111	52	94
290	Buckeye	82	131	57	113	53	95
292	Cottonwood	82	133	57	115	53	97
299	Anderson	86	135	59	117	55	99
305	Clear Creek	88	137	60	119	56	101
310	Redding	90	139	61	121	57	103

STATEMENT D.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Union Pacific.	Central Pacific.	Union Pacific.	Central Pacific.	Union Pacific.
	<i>Main Line.</i>						
143	American River	20	78	18	71	16	64
148	Arcade	22	80	20	73	18	65
155	Antelope	24	82	22	74	20	66
158	Roseville Junction	26	83	24	75	22	67
162	Rocklin	30	84	28	76	26	68
165	Pino	31	84	29	76	27	68
168	Pennryn	33	85	30	78	28	71
171	Newcastle	35	87	32	80	29	73
176	Auburn	39	90	36	82	31	73
183	Clipper Gap	44	92	41	83	34	74
186	Applegate's	47	93	44	84	36	75
189	New England Mills	48	93	45	84	37	75
194	Colfax	53	95	50	85	40	75

SCHEDULE E.

Comparison of rates (in cents, per one hundred pounds), charged upon freight by the Central Pacific Railroad between San Francisco and points on the Western, Oregon, and Visalia Divisions, with those charged by the Michigan Southern and Northern Indiana Railroad Company for like distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	M. S. & N. I. R.	Central Pacific.	M. S. & N. I. R.	Central Pacific.	M. S. & N. I. R.
	<i>Western Division.</i>						
4	Oakland Wharf	3	12	3	9	3	7
6	Oakland Point	5	12	5	9	5	7
7	Oakland	6	12	5	9	5	7
9	Brooklyn	7	12	5	9	5	7
12	Metrose	9	14	7	10	7	8
14	Alameda	9	14	7	10	7	8
18	Alameda Wharf	12	15	7	11	7	9
21	Haywards	12	16	8	13	8	10
15	Mitchells	9	14	7	10	7	8
16	San Leandro	12	15	7	11	7	9
18	San Lorenzo	12	15	7	11	7	9
21	Marion	12	16	8	13	8	10
27	Decota	12	18	8	14	8	11
30	Niles	12	18	8	14	8	11
33	Washington	15	20	10	16	9	10
37	Warm Springs	15	22	10	18	9	14
41	Milpitas	15	24	12	20	10	15
48	San José	15	26	13	21	11	16
37	Sunol	15	22	10	18	9	14
42	Pleasanton	15	24	12	20	10	15
48	Livermore	15	26	13	21	11	16
56	Altamont	15	30	13	24	11	19
64	Midway	15	30	13	24	11	19
70	Ellie	16	32	14	25	12	20
72	Tracy	16	34	14	27	12	21
75	Banta	16	34	14	27	12	21
79	San Joaquin River	16	34	14	27	12	21
82	Lathrop	16	36	14	28	12	23
92	Stockton	16	38	14	30	12	24
98	Castle	17	40	15	31	13	25
104	Lodi	17	42	15	33	13	26
107	Acampo	17	42	15	33	13	26
113	Galt	18	44	16	35	14	28
120	McConnells	18	44	16	35	14	28
124	Elia Grove	18	46	16	36	14	30
130	Florin	18	46	16	36	14	30
134	Brighton	18	48	16	38	14	31
140	Sacramento	18	48	16	38	14	31
143	American River	20	48	18	38	16	31
148	Arcade	22	50	20	40	18	30
155	Antelope	24	50	22	40	20	32
158	Roseville Junction	26	50	24	40	22	32

SCHEDULE E.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	M. S. & N. I. R.	Central Pacific.	M. S. & N. I. R.	Central Pacific.	M. S. & N. I. R.
Oregon Division.							
169	Lincoln	28	52	26	41	24	33
173	Ewing	29	52	27	41	25	33
176	Sheridan	30	54	28	43	26	34
180	Wheatland	30	54	28	43	26	34
186	Reeds	30	54	28	43	26	34
190	Yuba	30	54	28	43	26	34
192	Marysville	30	56	28	44	26	35
199	Lono	34	56	30	44	28	35
208	Live Oak	36	56	32	44	30	35
210	Gridley	38	56	32	44	30	35
213	Biggs	38	58	34	45	32	36
223	Nelson	42	58	36	45	34	36
229	Durham	44	58	38	45	36	36
231	Roble	44	60	38	48	36	38
236	Chico	45	60	38	48	36	38
240	Shaws	48	60	40	48	38	38
243	Nord	50	72	41	57	38	45
245	Anita	51	72	42	57	39	45
247	Cana	52	72	43	57	40	45
250	Soto	55	72	44	57	41	45
254	Vina	58	75	46	57	43	47
262	Sesma	65	78	49	62	46	49
263	Tehama	65	78	49	62	46	49
265	Tylers	65	78	50	62	46	49
270	Rawson	67	78	52	62	48	49
275	Red Bluff	70	82	54	66	50	52
285	Hooker	80	86	56	69	52	54
290	Buckeye	82	86	57	69	53	54
292	Cottonwood	82	90	57	72	53	57
299	Anderson	86	90	59	72	55	57
305	Clear Creek	88	92	60	73	56	58
310	Redding	90	92	61	73	57	58
Visalia Division.							
88	Murrano	20½	38	18½	30	16½	24
92	Stanislaus	23½	38	21½	30	19½	24
95	Salida	25	38	22	30	20	24
102	Modesto	28	42	24	33	22	26
107	Ceres	29	42	26	33	24	26
110	Keyes	31	42	28	33	25	26
115	Tuflock	34	44	30	35	28	28
125	Cressey	39	46	35	36	32	30
128	Arena	41	46	37	36	34	30
132	Atwater	43	48	39	38	36	31
139	Merced	47	48	42	38	39	31
149	Plainsburg	53	50	47	40	44	32
156	Minturn	57	50	51	40	46	32
165	Berenda	61	52	55	41	51	33
175	Borden	67	52	60	41	56	33
184	Sycamore	71	54	65	43	60	34
194	Fresno	77	56	70	44	65	35
204	Fowler	83	56	75	44	69	35
214	Kingsburg	88	58	80	45	73	36
221	Cross Creek	92	58	82	45	75	36
228	Goshen	96	58	86	45	79	36

SCHEDULE E.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	M. S. & N. I. R.	Central Pacific.	M. S. & N. I. R.	Central Pacific.	M. S. & N. I. R.
239	Tulare	100	60	90	48	83	38
249	Tipton	104	72	94	57	87	45
261	Alila	108	78	97	62	91	49
269	Delano	111	78	100	62	94	49
281	Posa	115	86	103	69	97	55
289	Lerdo	117	86	105	69	99	54
308	Sumner	120	92	107	73	101	58
317	Pampa	123	94	109	75	103	59
324	Caliente	125	98	110	78	104	62
<i>Sacramento Division.</i>							
140	Sacramento	18	48	16	38	14	31
143	American River	20	48	18	38	16	31
148	Arcade	22	50	20	40	18	32
155	Antelope	24	50	22	40	20	32
158	Roseville Junction	26	50	24	40	22	32
162	Rocklin	30	52	28	41	26	33
165	Pino	31	52	29	41	27	33
168	Penryn	33	52	30	41	28	33
171	Auburn	39	52	36	41	31	33
183	Clipper Gap	44	54	41	43	34	34
189	New England Mills	48	54	45	43	37	34
194	Colfax	53	56	50	44	40	35

SCHEDULE F.

Comparison of rates (in cents, per one hundred pounds), on freight charged by the Central Pacific Railroad Company from San Francisco to points named below, with those charged by the Pennsylvania Railroad Company for like distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Penn. R. R. Co.	Central Pacific.	Penn. R. R. Co.	Central Pacific.	Penn. R. R. Co.
Western Division.							
4	Oakland Wharf	3	6	3	6	3	5
6	Oakland Point	5	6	5	6	5	5
7	Oakland	6	6	5	6	5	5
9	Brooklyn	7	6	5	6	5	5
12	Melrose	9	7	7	7	7	6
14	Alameda	9	7	7	8	7	7
18	Alameda Wharf	12	8	7	8	7	6
15	Mitchells	9	7	7	7	7	6
16	San Leandro	12	7	7	7	7	6
18	San Lorenzo	12	8	7	8	7	7
21	Marion	12	8	8	8	8	7
27	Decota	12	12	8	10	8	9
30	Niles	12	12	8	10	8	9
33	Washington	15	15	10	13	9	11
37	Warm Springs	15	15	10	13	9	11
41	Milpitas	15	19	13	17	11	14
48	San José	15	15	10	13	9	11
37	Sunol	15	15	10	13	9	11
42	Pleasanton	15	17	12	15	10	12
48	Livermore	15	19	13	17	11	14
56	Altamont	15	21	13	19	11	16
64	Midway	15	25	13	22	11	19
70	Ellis	16	26	14	23	12	19
72	Tracy	16	26	14	23	12	19
75	Banta	16	28	14	26	12	22
79	San Joaquin River	16	34	14	29	12	25
82	Lathrop	16	34	14	29	12	25
92	Stockton	16	35	14	31	12	26
98	Castle	17	38	15	33	13	28
104	Lodi	17	40	15	35	13	30
107	Acampo	17	45	15	40	13	33
113	Galt	18	45	16	40	14	33
120	McConnells	18	48	16	42	14	35
124	Elk Grove	18	48	16	42	14	35
130	Florin	18	50	16	44	14	37
134	Brighton	18	52	16	47	14	39
140	Sacramento	18	54	16	47	14	40
Oregon Division.							
169	Lincoln	28	67	26	56	24	46
173	Ewing	29	67	27	56	25	46
176	Sheridan	30	67	28	56	26	46
180	Wheatland	30	71	28	56	26	46
186	Reeds	30	71	28	56	26	46
190	Yuba	30	71	28	56	26	46
192	Marysville	30	71	28	56	26	46
199	Loma	34	71	30	56	28	46
208	Live Oak	36	71	32	56	30	46
210	Gridley	38	71	32	56	30	46
213	Biggs	38	71	34	56	32	46
223	Nelson	42	71	36	56	34	46

SCHEDULE F.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Penn. R. R. Co.	Central Pacific.	Penn. R. R. Co.	Central Pacific.	Penn. R. R. Co.
229	Durham	44	71	38	56	36	46
231	Roble	44	71	38	56	36	46
236	Chico	46	71	38	56	36	46
240	Shaws	48	71	40	56	38	46
243	Nord	50	71	41	56	38	46
245	Anita	51	71	42	56	39	46
247	Cana	52	71	43	56	40	46
250	Soto	55	71	44	56	41	46
254	Vina	58	71	46	56	43	46
262	Sesma	65	71	49	56	46	46
263	Tehama	65	71	49	56	46	46
265	Tylers	65	71	50	56	46	46
270	Rawson	67	71	52	56	48	46
275	Red Bluff	70	71	54	56	50	46
285	Hooper	80	71	56	56	52	46
290	Buckeye	82	71	57	56	53	46
292	Cottonwood	82	71	57	56	53	46
299	Anderson	86	71	59	56	55	46
305	Clear Creek	88	71	60	56	56	46
310	Redding	90	71	61	56	57	46
<i>Visalia Division.</i>							
88	Murrano	20½	34	18½	29	16½	25
92	Stanislaus	23½	35	21½	31	19½	26
95	Salida	25	38	22	33	20	28
102	Modesto	28	39	24	34	22	29
107	Ceres	29	45	26	40	24	33
110	Keyes	31	45	28	40	25	33
115	Turlock	34	45	30	40	28	33
125	Cressey	39	48	35	42	32	35
128	Arena	41	49	37	43	34	36
132	Atwater	43	52	39	47	36	39
139	Merced	47	52	42	47	39	39
149	Plainsburg	53	57	47	50	44	42
156	Minturn	57	57	51	52	46	44
165	Berenda	61	62	55	54	51	45
175	Borden	67	67	60	56	56	46
184	Sycamore	72	71	65	56	60	46
194	Fresno	77	71	70	56	65	46
204	Fowler	83	71	75	56	69	46
214	Kings River	88	71	80	56	73	46
221	Cross Creek	92	71	82	56	75	46
228	Goshen	96	71	86	56	79	46
239	Tulare	100	71	90	56	83	46
249	Tipton	104	71	94	56	87	46
261	Alila	108	71	97	56	91	46
269	Delano	111	71	100	56	94	46
281	Posa	115	71	103	56	97	46
289	Lerdo	117	71	105	56	99	46
302	Sumner	120	71	107	56	101	46
317	Pampa	123	71	109	56	103	46
324	Caliente	125	71	111	56	104	46
<i>Main Line.</i>							
143	American River	20	54	18	47	16	40
148	Arcade	22	57	20	50	18	42

SCHEDULE F.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Penn. R. R. Co.	Central Pacific.	Penn. R. R. Co.	Central Pacific.	Penn. R. R. Co.
155	Antelope	24	59	22	52	20	44
158	Roseville Junction	26	62	24	54	22	45
162	Rocklin	30	62	28	54	26	45
165	Pino	31	62	29	54	27	45
168	Penryn	33	67	30	56	28	46
171	Newcastle	35	67	32	56	29	46
176	Auburn	39	67	36	56	31	46
183	Clipper Gap	44	71	41	56	34	46
189	New England Mills	48	71	45	56	37	46
194	Colfax	53	71	50	56	40	46

SCHEDULE G.

Comparison of rates (in cents, per one hundred pounds), charged upon freight between San Francisco and the Western, Oregon, and Visalia Divisions, by the Central Pacific Railroad Company, with those charged by the Erie Railway, for like or approximate distances.

Distance on Erie R. R.	Distance on C. P. R. R.	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
			C. P. R. R.	Erie R. R.	C. P. R. R.	Erie R. R.	C. P. R. R.	Erie R. R.
		Western Division.						
4	4	Oakland Wharf	3	13	3	11	3	8
6	6	Oakland Point	5	14	5	11	5	9
7	7	Oakland	6	14	5	11	5	9
9	9	Brooklyn	7	14	5	12	5	9
12	12	Melrose	9	15	7	12	7	9
14	14	Alameda	9	16	7	12	7	9
18	18	Alameda Wharf	12	16	7	13	7	10
21	21	Haywards	12	17	8	14	8	10
15	15	Mitchells	9	16	7	13	7	10
16	16	San Leandro	12	16	7	13	7	10
18	18	San Lorenzo	12	16	7	13	7	10
21	21	Marion	12	17	8	14	8	10
27	27	Decota	12	18	8	15	8	11
30	30	Niles	12	19	8	15	8	11
33	33	Washington	15	20	10	16	9	12
37	37	Warm Springs	15	21	10	16	9	12
41	41	Milpitas	15	22	12	17	10	13
48	48	San José	15	23	13	18	11	14
37	37	Suñol	15	21	10	16	9	12
42	42	Pleasanton	15	22	12	17	10	13
48	48	Livermore	15	23	13	18	11	14
56	56	Altamont	15	25	13	20	11	15
64	64	Midway	15	27	13	21	11	16
70	70	Ellis	16	28	14	22	12	16
72	72	Tracy	16	29	14	22	12	16
75	75	Banta	16	29	14	23	12	17
79	79	San Joaquin River	16	30	14	23	12	17
82	82	Lathrop	16	31	14	24	12	18
92	92	Stockton	16	33	14	26	12	19
98	98	Castle	17	34	15	27	13	20
104	104	Lodi	17	36	15	28	13	20
107	107	Acampo	17	36	15	28	13	20
113	113	Galt	18	38	16	29	14	21
120	120	McConnells	18	39	16	30	14	22
124	124	Elk Grove	18	40	16	31	14	23
130	130	Florin	18	42	16	32	14	23
134	134	Brighton	18	43	16	33	14	24
140	140	Sacramento	18	44	16	34	14	25
143	143	American River	20	45	18	34	16	25
148	148	Arcade	22	46	20	35	18	26
155	155	Antelope	24	47	22	36	20	26
158	158	Roseville Junction	26	48	24	37	22	27

SCHEDULE G.—Continued.

Distance on Erie R. R.	Distance on C. P. R. R.	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
			C. P. R. R.	Erie R. R.	C. P. R. R.	Erie R. R.	C. P. R. R.	Erie R. R.
Oregon Division.								
169	169	Lincoln	28	50	26	39	24	28
173	173	Ewing	29	51	27	39	25	29
176	176	Sheridan	30	52	28	40	26	29
180	180	Wheatland	30	53	28	41	26	29
186	186	Reeds	30	54	28	42	26	30
190	190	Yuba	30	55	28	42	26	31
192	192	Marysville	30	56	28	43	26	31
199	199	Loma	34	57	30	44	28	32
208	208	Live Oak	36	59	32	45	30	33
210	210	Gridley	38	60	32	46	30	33
213	213	Biggs	38	60	34	46	32	33
223	223	Nelson	42	63	36	48	34	34
229	229	Durham	44	64	38	49	36	35
231	231	Roble	44	64	38	49	36	35
236	236	Chico	45	65	38	50	36	36
240	240	Shaws	48	66	40	51	38	36
243	243	Nord	50	67	41	51	38	37
245	245	Anita	51	68	42	51	39	37
247	247	Cana	52	68	43	52	40	37
250	250	Soto	55	69	44	52	41	38
254	254	Vina	58	70	46	53	43	38
262	262	Sesma	65	71	49	54	46	39
263	263	Tehama	65	72	49	54	46	39
265	265	Tylers	65	72	50	55	46	40
270	270	Rawson	67	73	52	56	48	40
275	275	Red Bluff	70	74	54	56	50	41
285	285	Hooker	80	77	56	58	52	42
290	290	Buckeye	82	78	57	59	53	43
292	292	Cottonwood	82	78	57	59	53	43
299	299	Anderson	86	79	59	61	55	44
305	305	Clear Creek	88	81	60	62	56	44
310	310	Redding	90	82	61	62	57	45
Visalia Division.								
88	88	Murrano	204	32	184	25	164	18
92	92	Stanislaus	234	33	214	26	194	19
95	95	Salida	25	34	22	26	20	19
102	102	Modesto	28	35	24	27	22	20
107	107	Ceres	29	36	26	28	24	21
110	110	Keyes	31	37	28	29	25	21
115	115	Turlock	34	38	30	30	28	22
125	125	Cressey	39	41	35	31	32	23
128	128	Arena	41	41	37	32	34	23
132	132	Atwater	43	42	39	32	36	24
139	139	Merced	47	44	42	34	39	24
149	149	Plainsburg	53	46	47	35	44	26
156	156	Minturn	57	47	51	36	46	26
165	165	Berenda	61	50	55	38	51	28
175	175	Borden	67	52	60	40	56	29
184	184	Sycamore	71	54	65	41	60	30
194	194	Fresno	77	56	70	43	65	31
204	204	Fowler	83	58	75	45	69	32
214	214	Kingsburg	88	61	80	46	73	33
221	221	Cross Creek	92	62	82	47	75	34
228	228	Goshen	96	64	86	49	79	35

SCHEDULE G.—Continued.

Distance on Erie R. R.	Distance on C. P. R. R.	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
			C. P. R. R.	Erie R. R.	C. P. R. R.	Erie R. R.	C. P. R. R.	Erie R. R.
239	239	Tulare	100	66	90	50	83	36
249	249	Tipton	104	69	94	52	87	38
261	261	Alila	108	71	97	54	91	39
269	269	Delano	111	73	100	55	94	40
281	281	Posa	115	75	103	57	97	41
289	289	Lerdo	117	77	105	59	99	42
302	302	Sumner	120	80	107	61	101	44
317	317	Pampa	123	84	109	64	103	46
324	324	Caliente	125	85	110	65	104	47
<i>Sacramento Division.</i>								
140	140	Sacramento	18	44	16	34	14	25
143	143	American River	20	45	18	34	16	25
148	148	Arcade	22	46	20	35	18	26
155	155	Antelope	24	47	22	36	20	26
158	158	Roseville Junction	26	48	24	37	22	27
162	162	Rocklin	30	49	28	37	26	27
165	165	Pino	31	50	29	38	27	28
168	168	Penryn	33	50	30	38	28	28
171	171	Newcastle	35	51	32	39	29	28
176	176	Auburn	39	52	36	40	31	29
183	183	Clipper Gap	44	54	41	41	34	30
189	189	New England Mills	48	55	45	42	37	30
194	194	Colfax	53	56	50	43	40	31

SCHEDULE H.

Comparison of rates (in cents, per one hundred pounds), charged on freight from San Francisco to points named below, by the Central Pacific Railroad Company, with those charged by the Pittsburgh, Fort Wayne, and Chicago Railroad Company, for like distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	P., Ft. W. & C.	Central Pacific.	P., Ft. W. & C.	Central Pacific.	P., Ft. W. & C.
Western Division.							
4	Oakland Wharf	3	6½	3	6	3	6
6	Oakland Point	5	6½	5	6	5	6
7	Oakland	6	6½	5	6½	5	6
9	Brooklyn	7	7	7	6½	7	6½
12	Melrose	9	7½	7	6½	7	6½
14	Alameda	9	7½	7	7	7	6½
18	Alameda Wharf	12	7½	8	7	8	7
21	Haywards	12	7½	7	6½	7	6½
15	Mitchells	9	7½	7	6½	7	6½
16	San Leandro	12	7½	7	6½	7	6½
18	San Lorenzo	12	7½	7	7	7	6½
21	Marion	12	7½	8	7	8	7
27	Decota	12	7½	8	7½	8	7
30	Niles	12	7½	8	7½	8	7½
33	Washington	15	9	10	8	9	8
37	Warm Springs	15	9	10	8½	9	8
41	Milpitas	15	11	12	10	10	9
48	San José	15	13	13	12	11	11
37	Sunol	15	9	10	8½	9	8
42	Pleasanton	15	11	12	10	10	9
48	Livermore	15	13	13	12	11	11
56	Altamont	15	13	13	13½	11	12
64	Midway	15	16	13	15	11	13
70	Ellis	16	18	14	16	12	15
72	Tracy	16	19	14	18	12	16
75	Banta	16	19	14	18	12	16
79	San Joaquin River	16	20	14	19	12	16
82	Lathrop	16	21	14	19	12	17
92	Stockton	16	24	14	22	12	18
98	Castle	17	25	15	23	13	19
104	Lodi	17	26	15	25	13	20
107	Acampo	17	27	15	25	13	20
113	Galt	18	29	16	26	14	20
120	McConnells	18	30	16	26	14	21
124	Elk Grove	18	31	16	27	14	21
130	Florin	18	33	16	27	14	21
134	Brighton	18	34	16	28	14	21
140	Sacramento	18	35	16	28	14	22
143	American River	20	36	18	29	16	22
148	Arcade	22	37	20	29	18	22
155	Antelope	24	38	22	30	20	23
158	Roseville Junction	26	39	24	31	22	23
Oregon Division.							
169	Lincoln	28	42	26	34	24	24
173	Ewing	29	44	27	34	25	24

SCHEDULE H.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific	P., Ft. W. & C.	Central Pacific	P., Ft. W. & C.	Central Pacific	P., Ft. W. & C.
176	Sheridan	30	45	28	35	26	25
180	Wheatland	30	45	28	35	26	25
186	Reeds	30	47	28	37	26	26
190	Yuba	30	47	28	37	26	26
192	Marysville	30	48	28	38	26	26
199	Loma	34	49	30	39	28	27
203	Live Oak	36	51	32	41	30	28
210	Gridley	38	51	32	41	30	28
213	Biggs	38	51	34	41	32	28
223	Nelson	42	52	36	42	34	29
229	Durham	44	52	38	42	36	30
231	Roble	44	52	38	42	36	30
236	Chico	45	53	38	43	36	31
240	Shaws	48	53	40	43	38	31
243	Nord	50	53	41	43	38	31
245	Anita	51	53	42	43	39	31
247	Cana	52	54	43	44	40	31
250	Soto	55	54	44	44	41	31
254	Vina	58	54	46	44	43	32
262	Sesma	65	55	49	45	46	32
263	Tehama	65	55	49	45	46	32
265	Tylers	65	55	50	45	46	32
270	Rawson	67	56	52	46	48	33
275	Red Bluff	70	56	54	46	50	33
285	Hooker	80	57	56	47	52	34
290	Buckeye	82	58	57	48	53	34
292	Cottonwood	82	58	57	48	53	34
299	Anderson	86	59	59	49	55	34
305	Clear Creek	88	59	60	49	56	35
310	Redding	90	60	61	50	57	35
<i>Visalia Division.</i>							
88	Murrano	20½	23	18½	20	16½	17
92	Stanislaus	23½	24	21½	22	19½	18
95	Salida	25	24	22	22	20	18
102	Modesto	28	26	24	25	22	20
107	Ceres	29	27	26	25	24	20
110	Keyes	31	27	28	25	25	20
115	Turlock	34	29	30	26	28	20
125	Cressey	39	31	35	26	32	21
128	Arena	41	33	37	27	34	21
132	Atwater	43	34	39	28	36	21
139	Merced	47	35	42	28	39	22
149	Plainsburg	53	37	47	29	44	22
156	Minturn	57	39	51	31	46	23
165	Berenda	61	40	55	33	51	23
175	Borden	67	44	60	34	56	24
184	Sycamore	72	46	65	36	60	25
194	Fresno	77	48	70	38	65	26
204	Fowler	83	50	75	40	69	27
214	Kings River	88	51	80	41	73	28
221	Cross Creek	92	52	82	42	75	29
228	Goshen	96	52	86	42	79	30
239	Tulare	100	53	90	43	83	31
249	Tipton	104	54	94	44	87	31
261	Alila	108	55	97	45	91	32
269	Delano	111	56	100	46	94	33

SCHEDULE H.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	P., Ft. W. & C.	Central Pacific.	P., Ft. W. & C.	Central Pacific.	P., Ft. W. & C.
281	Poss	115	57	103	47	97	34
289	Lerdo	117	58	105	48	99	34
302	Sumner	120	59	107	49	101	35
317	Pampa	123	60	109	50	103	35
324	Caliente	125	61	111	51	104	36
<i>Sacramento Division.</i>							
143	American River	20	36	18	29	16	22
148	Arcade	22	37	20	29	18	22
155	Antelope	24	38	22	30	20	23
158	Roseville Junction	26	39	24	31	22	23
162	Rocklin	30	40	28	33	26	23
165	Pino	31	40	29	33	27	23
168	Penryn	33	42	30	34	28	24
171	Newcastle	35	44	32	34	29	24
176	Auburn	39	45	36	35	31	25
183	Clipper Gap	44	46	41	36	34	26
189	New England Mills	48	47	45	37	37	26
194	Colfax	53	48	50	38	40	26

SCHEDULE I.

Comparison of rates on freight (in cents, per one hundred pounds), charged by the Central Pacific Railroad Company from San Francisco to points named below, with those charged by the Illinois Central Railroad Company for like distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Illinois Central	Central Pacific.	Illinois Central	Central Pacific.	Illinois Central
Western Division.							
4	Oakland Wharf	3	15	3	12	3	10
6	Oakland Point	5	15	5	12	5	12
7	Oakland	6	17	5	14	5	12
9	Brooklyn	7	19	5	16	5	14
12	Melrose	9	21	7	18	7	16
14	Alameda	9	23	7	20	7	18
18	Alameda Wharf	12	25	7	22	7	20
21	Haywards	12	27	8	24	8	21
15	Mitchells	9	23	7	20	7	18
16	San Leandro	12	23	7	20	7	18
18	San Lorenzo	12	25	7	22	7	20
21	Marion	12	27	8	24	8	21
27	Decota	12	33	8	27	8	24
30	Niles	12	35	8	28	8	25
33	Washington	15	36	10	29	9	26
37	Warm Springs	15	38	10	31	9	27
41	Milpitas	15	39	12	32	10	28
48	San José	15	43	13	36	11	23
37	Sunol	15	38	10	31	9	21
42	Pleasanton	15	39	12	32	10	22
48	Livermore	15	43	13	36	11	23
56	Altamont	15	44	13	36	11	23
64	Midway	15	46	13	37	11	24
70	Ellis	16	47	14	38	12	31
72	Tracy	16	47	14	38	12	31
75	Banta	16	48	14	39	12	32
79	San Joaquin River	16	48	14	39	12	32
82	Lathrop	16	48	14	39	12	32
92	Stockton	16	49	14	39	12	32
98	Castle	17	50	15	40	13	33
104	Lodi	17	51	15	41	13	34
107	Acampo	17	52	15	42	13	34
113	Galt	18	53	16	43	14	35
120	McConnells	18	55	16	45	14	36
124	Elk Grove	18	55	16	45	14	37
130	Florin	18	56	16	46	14	37
134	Brighton	18	56	16	46	14	37
140	Sacramento	18	57	16	47	14	38
Sacramento Division.							
143	American River	20	57	18	48	16	38
148	Arcade	22	58	20	48	18	38
155	Antelope	24	59	22	49	20	39
158	Roseville Junction	26	59	24	45	22	39
162	Rocklin	30	60	28	50	26	40

SCHEDULE I.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Illinois Central.	Central Pacific.	Illinois Central.	Central Pacific.	Illinois Central.
165	Pino	31	60	29	50	27	40
168	Penryn	33	60	30	50	28	40
171	Newcastle	35	61	32	51	29	41
176	Auburn	39	61	36	51	31	41
183	Clipper Gap	44	62	41	52	34	42
186	Applegate	48	62	45	52	37	42
189	New England Mills	48	62	45	52	37	42
194	Colfax	53	63	50	53	40	43
<i>Oregon Division.</i>							
189	Lincoln	28	60	26	50	24	41
173	Ewing	29	61	27	51	25	41
176	Sheridan	30	61	28	51	26	41
180	Wheatland	30	62	28	52	26	42
185	Reeds	30	62	28	52	26	42
190	Yuba	30	63	28	53	26	43
192	Marysville	30	63	28	53	26	43
199	Lomo	34	63	30	54	28	44
208	Live Oak	36	65	32	55	30	44
210	Gridley	38	65	32	55	32	45
213	Biggs	38	66	36	56	34	46
223	Nelson	42	66	36	56	34	46
229	Durham	44	66	38	56	36	47
231	Roble	44	66	38	57	36	47
236	Chico	45	67	38	57	36	47
240	Shaws	48	67	40	57	38	47
243	Nord	50	67	41	57	38	47
245	Anita	51	68	42	58	39	48
247	Cana	52	68	43	58	40	48
250	Soto	55	68	44	58	41	48
254	Vina	58	68	46	58	43	48
262	Sesma	65	69	49	59	46	49
263	Tehama	65	69	49	59	46	49
265	Tylers	65	69	50	59	46	49
270	Rawson	67	69	52	60	48	50
275	Red Bluff	70	70	54	60	50	50
285	Hooker	80	71	55	61	52	51
290	Buckeye	82	71	57	61	53	51
292	Cottonwood	82	72	57	61	53	51
299	Anderson	86	72	59	63	55	52
305	Clear Creek	88	73	60	63	56	52
310	Redding	90	74	61	64	57	53
<i>Visalia Division.</i>							
88	Murrano	20½	49	18½	39	16½	32
92	Stanislaus	23½	49	21½	39	19½	32
95	Salida	25	49	22	39	20	33
102	Modesto	28	51	24	41	22	34
107	Ceres	29	52	26	42	24	34
110	Keyes	31	53	28	43	25	35
115	Turlock	34	54	30	44	28	35
125	Cressey	39	56	35	46	32	36
128	Arena	41	56	37	46	34	36
132	Atwater	43	56	39	46	36	37
139	Merced	47	57	42	47	39	37
149	Plainsburg	53	58	47	48	44	38

SCHEDULE I.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Illinois Central.	Central Pacific.	Illinois Central.	Central Pacific.	Illinois Central.
156	Minturn	57	59	51	49	46	39
165	Berenda	61	60	55	50	51	40
175	Borden	67	61	60	51	56	41
184	Sycamore	72	62	65	52	60	42
194	Fresno	77	63	70	53	65	43
204	Fowler	83	64	75	54	69	44
214	Kingsburg	88	65	80	55	73	45
221	Cross Creek	92	66	82	56	75	46
228	Goshen	96	66	86	56	79	46
239	Tulare	100	67	90	57	83	47
249	Tipton	104	68	94	58	87	48
261	Arila	108	69	97	59	91	49
269	Delano	111	70	100	60	94	49
281	Pesa	115	70	103	61	97	50
289	Lerdo	117	71	105	61	99	51
302	Summer	120	73	107	63	101	52
317	Pampa	123	74	109	64	103	53
324	Caliente	125	75	110	65	104	53

SCHEDULE K.

Comparison of rates (in cents, per one hundred pounds), charged on freight by the Central Pacific Railroad Company from San Francisco to points on the Western, Oregon, and Visalia Divisions, with those charged by the Ohio and Mississippi Railroad Company for like or approximate distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		C. P. R. R.	O. & M. R. R.	C. P. R. R.	O. & M. R. R.	C. P. R. R.	O. & M. R. R.
Western Division.							
4	Oakland Wharf	3	14	3	11	3	9½
6	Oakland Point	5	16	5	12	5	10
7	Oakland	6	16	5	12	5	10
9	Brooklyn	7	17	5	13	5	11
12	Melrose	9	18	7	14	7	12
14	Alameda	9	19	7	15	7	13
18	Alameda Wharf	12	19.7	7	15.7	7	14
21	Haywards	12	19.9	8	15.9	8	14½
15	Mitchells	9	19	7	15	7	13
16	San Leandro	12	19½	7	15½	7	13½
18	San Lorenzo	12	19.7	7	15.7	7	14
21	Marion	12	19.9	8	15.9	8	14½
27	Decota	12	21	8	17	8	15½
30	Niles	12	22	8	18	8	16
33	Washington	15	24	10	20	9	17
37	Warm Springs	15	24½	10	21	9	17½
41	Milpitas	15	27	12	24	10	19
48	San José	15	30	13	28	11	22
37	Sunol	15	24½	10	21	9	17½
42	Pleasanton	15	27	12	24	10	19
48	Livermore	15	29	13	27	11	21
56	Altamont	15	32½	13	29.2	11	23.2
64	Midway	15	35½	13	30½	11	24½
70	Ellis	16	36½	14	31	12	25½
72	Tracy	16	37	14	31½	12	26
75	Banta	16	37½	14	31.8	12	26½
79	San Joaquin River	16	38.4	14	32.4	12	27.2
82	Lathrop	16	39	14	32.6	12	27.6
92	Stockton	16	41	14	33.6	12	28.6
98	Castle	17	42.2	15	34.4	13	29.4
104	Lodi	17	43½	15	35.2	13	30.2
107	Acampo	17	44	15	35½	13	30½
113	Galt	18	45.3	16	36.3	14	31.3
120	McConnells	18	48	16	38½	14	33½
124	Elk Grove	18	49½	16	39½	14	34½
130	Florin	18	51	16	41	14	35.3
134	Brighton	18	52½	16	42½	14	36
140	Sacramento	18	53½	16	43½	14	36½
143	American River	20	54½	18	44½	16	36.8
148	Arcade	22	55	20	45	18	37
155	Antelope	24	55½	22	45½	20	37.3
158	Roseville Junction	26	55.8	24	45.8	22	37½

SCHEDULE K.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		C. P. R. R.	O. & M. R. R.	C. P. R. R.	O. & M. R. R.	C. P. R. R.	O. & M. R. R.
Oregon Division.							
169	Lincoln	28	57	26	47	24	38.3
173	Ewing	29	57.2	27	47.2	25	38½
176	Sheridan	30	58	28	48	26	39
180	Wheatland	30	58	28	48	26	39
186	Reeds	30	59	28	49	26	39.6
190	Yuba	30	59	28	49	26	39.6
192	Marysville	30	59.3	28	49.3	26	38.8
199	Lomo	34	61	30	50½	28	40½
208	Live Oak	36	63	32	51½	30	41½
210	Gridley	38	63	32	51½	30	41½
213	Biggs	38	63.6	34	51.8	32	41.7
223	Nelson	42	66	36	53	34	43
229	Durham	44	67	38	53½	36	43½
231	Roble	44	67.1	38	53.6	36	43.6
236	Chico	45	69	38	54½	36	44½
240	Shaws	48	69	40	54½	38	44½
243	Nord	50	70	41	55	38	45
245	Anita	51	70	42	55	39	45
247	Cana	52	70½	43	55½	40	45½
250	Soto	55	70½	44	55½	41	45½
254	Vina	58	71	46	56	43	46
262	Sesma	65	72	49	57	46	47
263	Tehama	65	72	49	57	46	47
265	Tylers	65	72	50	57	46	47
270	Rawson	67	72.4	52	57.4	48	47.4
275	Red Bluff	70	72.8	54	57.8	50	47.8
285	Hooker	80	73.2	56	58.2	52	48.2
290	Buckeye	82	73½	57	58½	53	48½
292	Cottonwood	82	73.6	57	58.6	53	48.6
299	Anderson	86	74	59	59	55	49
305	Clear Creek	88	74.3	60	59.3	56	49.3
310	Redding	90	74½	61	59½	57	49½
Visalia Division.							
88	Murrano	20½	40½	18½	33.3	16½	28.3
92	Stanislaus	23½	41	21½	36.6	19½	28.6
95	Salida	25	41½	22	34	20	29
102	Modesto	28	43	24	35	22	30
107	Ceres	29	44	26	35½	24	30½
110	Keyes	31	44½	28	35.8	25	30.8
115	Turlock	34	46	30	37	28	32
125	Cressey	39	49½	35	39½	32	34½
128	Arena	41	51	37	41	34	35.3
130	Atwater	43	51	39	41	36	35.3
139	Merced	47	53.4	42	43.4	39	36.4
149	Plainsburg	53	55	47	45	44	37
156	Minturn	57	56	51	46	46	37.6
165	Berenda	61	56½	55	46½	51	38
175	Borden	67	57½	60	47½	56	38.6
184	Sycamore	72	58½	65	48½	60	39.3
194	Fresno	77	60	70	50	65	40
204	Fowler	83	62	75	51	69	41
214	Kings River	88	64	80	52	73	42
221	Cross Creek	92	66	82	53	75	43
228	Goshen	96	67	86	53½	79	43½

SCHEDULE K.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		C. P. R. R.	O. & M. R. R.	C. P. R. R.	O. & M. R. R.	C. P. R. R.	O. & M. R. R.
239	Tulare.....	100	69	90	54½	83	44½
249	Tipton.....	104	70.4	94	55.4	87	45.4
261	Alila.....	108	72	97	57	91	47
279	Delano.....	111	72.86	100	57.86	94	47.86
281	Posa.....	115	73.2	103	58.2	97	48.2
289	Lerdo.....	117	73½	105	58½	99	48½
302	Sumner.....	120	74.2	107	59.2	101	49.2
317	Pampa.....	123	75	109	60	103	50
324	Caliente.....	125	77	110	63	104	52
<i>Sacramento Division.</i>							
140	Sacramento.....	18	53½	16	43½	14	36½
143	American River.....	20	54½	18	44½	16	36.8
148	Arcade.....	22	55	20	45	18	37
155	Antelope.....	24	55½	22	45½	20	37.3
158	Roseville Junction.....	26	55.8	24	45.8	22	37½
162	Rocklin.....	30	56.4	28	46.4	26	37.8
165	Pino.....	31	56½	29	46½	27	38
168	Penryn.....	33	57	30	47	28	38.3
171	Newcastle.....	35	57.2	32	47.2	29	38½
176	Auburn.....	39	58	36	48	31	39
183	Clipper Gap.....	44	58½	41	48½	34	39.3
189	New England Mills.....	46	59	45	49	37	39.6
194	Colfax.....	53	60	50	50	40	40

SCHEDULE L.

Comparison of rates on freight (in cents, per one hundred pounds), charged by the Central Pacific Railroad Company from San Francisco to points named below, with those charged by the Michigan Central Railroad Company for like distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Mich. C. R. R.	Central Pacific.	Mich. C. R. R.	Central Pacific.	Mich. C. R. R.
Western Division.							
4	Oakland Wharf	3	12	3	9	3	7
6	Oakland Point	5	12	5	9	5	7
7	Oakland	6	12	5	9	5	7
9	Brooklyn	7	12	5	9	5	7
12	Melrose	9	12	7	9	7	7
14	Alameda	9	14	7	11	7	7
18	Alameda Wharf	12	16	7	12	7	10
21	Haywards	12	17	8	14	8	11
15	Mitchells	9	16	7	12	7	10
16	San Leandro	12	16	7	12	7	10
18	San Lorenzo	12	16	7	12	7	10
21	Marion	12	17	8	14	8	11
27	Decota	12	19	8	15	8	12
30	Niles	12	22	8	16	8	13
33	Washington	15	22	10	16	9	13
37	Warm Springs	15	24	10	18	9	14
41	Milpitas	15	26	12	21	10	17
48	San José	15	28	13	23	11	19
37	Sunol	15	24	10	18	9	14
42	Pleasanton	15	26	12	21	10	17
48	Livermore	15	28	13	23	11	19
56	Altamont	15	30	13	24	11	19
64	Midway	15	32	13	26	11	21
70	Ellis	16	32	14	26	12	21
72	Tracy	16	33	14	27	12	22
75	Banta	16	33	14	27	12	22
79	San Joaquin River	16	34	14	28	12	22
82	Lathrop	16	35	14	28	12	23
92	Stockton	16	39	14	31	12	25
98	Castle	17	39	15	31	13	25
104	Lodi	17	40	15	32	13	26
107	Acampo	17	40	15	32	13	26
113	Galt	18	40	16	32	14	26
120	McConnells	18	42	16	33	14	27
124	Elk Grove	18	43	16	34	14	28
130	Florin	18	44	16	35	14	29
134	Brighton	18	45	16	36	14	29
140	Sacramento	18	46	16	37	14	30
Oregon Division.							
169	Lincoln	28	52	26	41	24	33
173	Ewing	29	52	27	41	25	33
176	Sheridan	30	53	28	41	26	33
180	Wheatland	30	53	28	41	26	33
186	Reeds	30	53	28	41	26	33
190	Yuba	30	54	28	43	26	34
192	Marysville	30	54	28	43	26	34
199	Lomo	34	54	30	43	28	34
208	Live Oak	36	55	32	44	30	35
210	Gridley	38	56	32	44	30	36

SCHEDULE L.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Mich. C. R. R.	Central Pacific.	Mich. C. R. R.	Central Pacific.	Mich. C. R. R.
213	Biggs	38	56	34	44	32	36
223	Nelson	42	56	36	44	34	36
229	Durham	44	56	38	44	36	36
231	Robie	44	57	38	45	36	37
236	Chico	45	57	38	45	36	37
240	Shaws	48	57	40	45	38	37
243	Nord	50	58	41	46	38	38
245	Anita	51	58	42	46	39	38
247	Cana	52	58	43	46	40	38
250	Sota	55	58	44	46	41	38
254	Vina	58	59	46	47	43	39
262	Seama	65	60	49	48	46	40
263	Tehama	65	60	49	48	46	40
265	Tylers	65	60	50	48	46	40
270	Rawson	67	60	52	48	48	40
275	Red Bluff	70	60	54	48	50	40
285	Hooker	80	60	56	48	52	40
290	Buckeye	82	60	57	48	53	40
292	Cottonwood	82	60	57	48	53	40
299	Anderson	86	60	59	48	55	40
305	Clear Creek	88	60	60	48	56	40
310	Redding	90	60	61	48	57	40
<i>Vigalia Division.</i>							
88	Murrano	20½	37	18½	29	16½	24
92	Stanislaus	23½	39	21½	31	19½	25
95	Salida	25	39	22	31	20	25
102	Modesto	28	40	24	32	22	26
107	Ceres	29	40	26	32	24	26
110	Keyes	31	40	28	32	25	26
115	Turlock	34	42	30	33	28	27
125	Cressey	39	44	35	35	32	29
128	Arena	41	44	37	35	34	29
132	Atwater	43	45	39	36	36	29
139	Merced	47	46	42	37	39	30
149	Plainsburg	53	48	47	38	44	31
156	Minturn	57	50	51	39	46	32
165	Berenda	61	52	55	41	51	33
175	Borden	67	53	60	41	56	33
184	Sycamore	72	53	65	41	60	33
194	Fresno	77	54	70	43	65	34
204	Fowler	83	55	75	44	69	35
214	Kings River	88	56	80	44	73	36
221	Cross Creek	92	56	82	44	75	36
228	Goshen	96	57	86	45	79	37
239	Tulare	100	57	90	45	83	37
249	Tipton	104	58	94	46	87	38
261	Alila	108	60	97	48	91	40
269	Delano	111	60	100	48	94	40
281	Posa	115	60	103	48	97	40
289	Lerdo	117	60	105	48	99	40
302	Samner	120	60	107	48	101	40
317	Pampa	123	60	109	48	103	40
324	Caliente	125	72	111	57	104	47
<i>Sacramento Division.</i>							
143	American River	20	47	18	37	16	30
148	Arcade	22	48	20	38	18	31

SCHEDULE L.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		Central Pacific.	Mich. C. R. R.	Central Pacific.	Mich. C. R. R.	Central Pacific.	Mich. C. R. R.
155	Antelope	24	50	22	39	20	32
156	Roseville Junction	26	50	24	39	22	32
162	Rocklin	30	51	28	40	26	32
165	Pino	31	52	29	41	27	33
168	Penryn	33	52	30	41	28	33
171	Newcastle	35	52	32	41	29	33
176	Auburn	39	53	36	41	31	33
183	Clipper Gap	44	53	41	41	34	33
189	New England Mills	48	53	45	41	37	33
194	Colfax	53	54	50	43	40	34

SCHEDULE M.

Comparison of rates (in cents, per one hundred pounds), charged on freight by the Central Pacific Railroad Company, from San Francisco to points on the Western, Oregon, and Visalia Divisions, with those charged by the Chicago, Burlington and Quincy Railroad for like or approximate distances.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.		
		C. P. R. R.	C. B. & Q. R. R.	C. P. R. R.	C. B. & Q. R. R.	C. P. R. R.	C. B. & Q. R. R.	
Western Division.								
4	Oakland Wharf	3	13.8	3	11.3	3	9.5	
6	Oakland Point	5	15.5	5	12.4	5	10.4	
7	Oakland	6	16	5	12.8	5	10.7	
9	Brooklyn	7	16.9	5	13.6	5	11.4	
12	Alameda Branch.	9	18.3	7	14.8	7	12.5	
14		Melrose	9	19.2	7	15.6	7	13.2
18		Alameda	12	21.1	7	17.2	7	14.7
21		Alameda Wharf	12	22.4	8	18.3	8	15.7
21	Haywards	9	19.7	7	16	7	13.6	
15	Mitchells	12	20.2	7	16.4	7	14	
16	San Leandro	12	21.1	7	17.2	7	14.7	
18	San Lorenzo	12	22.4	8	18.3	8	15.7	
21	Marion	12	24.6	8	20.1	8	17.3	
27	Decota	12	25.7	8	21	8	18.1	
30	Niles	15	26.4	10	21.6	9	18.7	
33	San Jose Branch.	15	27.3	10	22.4	9	19.4	
37		Washington	15	28.6	12	23.6	10	20.5
41		Warm Springs	15	32.4	13	27.4	11	24
48		Milpitas	15	27.3	10	22.4	9	19.4
48	San Jose	15	29.1	12	24.1	10	21	
37	Sunol	15	32.4	13	27.4	11	24	
42	Pleasanton	15	36.8	13	31.8	11	28	
48	Livermore	15	40.3	13	34.8	11	30.4	
56	Altamont	16	42.2	14	36	12	31.2	
64	Midway	16	42.8	14	36.4	12	31.4	
70	Ellis	16	43.8	14	37	12	31.8	
72	Tracy	16	45.1	14	37.8	12	32.4	
75	Banta	16	45.8	14	38.4	12	32.7	
79	San Joaquin River	16	48.92	14	40.63	12	34.24	
82	Lathrop	16	52.52	15	42.52	13	35.30	
92	Stockton	17	54.45	15	44.45	13	36.54	
98	Castle	17	55.85	15	45.85	13	37.45	
104	Lodi	17	58.85	16	48.85	14	39.55	
107	Acampo	18	62	16	52	14	42	
113	Galt	18	62.72	16	52.72	14	42.72	
120	McConnells	18	63.80	16	53.80	14	43.80	
124	Elk Grove	18	64.48	16	54.48	14	44.48	
130	Florin	18	65.50	16	55.50	14	45.50	
134	Brighton	20	66.04	18		16		
140	Sacramento	22	66.94	20		18		
143	American River	24	68.20	22		20		
148	Arcade	26	68.74	24		22		
155	Antelope							
158	Roseville Junction							

SCHEDULE M.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		C. P. R. R.	C. B. & Q. R. R.	C. P. R. R.	C. B. & Q. R. R.	C. P. R. R.	C. B. & Q. R. R.
Oregon Division.							
169	Lincoln	28	70.63	26	60.63	24	50.63
173	Ewing	29	71.25	27	61.25	25	51.25
176	Sheridan	30	71.70	28	61.70	26	51.70
180	Wheatland	30	72.30	28	62.30	26	52.30
186	Reeds	30	73.02	28	63.02	26	53.02
190	Yuba	30	73.50	28	63.50	26	53.50
192	Marysville	30	73.54	28	63.54	26	53.54
199	Lono	34	73.68	30	63.68	28	53.68
208	Live Oak	36	73.86	32	63.86	30	53.86
210	Gridley	38	73.90	32	63.90	30	53.90
213	Biggs	38	73.96	34	63.96	32	53.96
223	Nelson	42	74.16	36	64.16	34	54.16
229	Durham	44	74.28	38	64.28	36	54.28
231	Roble	44	74.32	38	64.32	36	54.32
236	Chico	45	74.42	38	64.42	36	54.42
240	Shaws	48	74.50	40	64.50	38	54.50
243	Nord	50	74.56	41	64.56	38	54.56
245	Anita	51	74.60	42	64.60	39	54.60
247	Cana	52	74.64	43	64.64	40	54.64
250	Soto	55	74.70	44	64.70	41	54.70
254	Vina	58	74.78	46	64.78	43	54.78
262	Sesma	65	74.94	49	64.94	46	54.94
263	Tehama	65	74.96	49	64.96	46	54.96
265	Tylers	65	75	50	65	46	55
270	Rawson	67	75.10	52	65.10	48	55.10
275	Red Bluff	70	75.20	54	65.20	50	55.20
285	Hooker	80	75.40	56	65.40	52	55.40
290	Buckeye	82	75.50	57	65.50	53	55.50
292	Cottonwood	82	75.54	57	65.54	53	55.54
299	Anderson	86	75.68	59	65.68	55	55.68
305	Clear Creek	88	75.80	60	65.80	56	55.80
310	Redding	90	75.90	61	65.90	57	55.90
Visalia Division.							
88	Murrano	20½	47.1	18½	39.6	16½	33.6
92	Stanislaus	23½	48.92	21½	40.63	19½	34.24
95	Salida	25	50.90	22	41.60	20	34.75
102	Modesto	28	53.80	24	43.80	22	36.13
107	Ceres	29	55.85	26	45.85	24	37.45
110	Keyes	31	57.50	28	47.50	25	38.50
115	Turlock	34	59.75	30	49.75	28	40.25
125	Cressey	39	62.90	35	52.90	32	42.90
128	Arena	41	63.44	37	53.44	34	43.44
132	Atwater	43	64.14	39	54.14	36	44.14
139	Merced	47	65.33	42	55.33	39	45.33
149	Plainsburg	53	67.12	47	57.12	44	47.12
156	Minturn	57	68.38	51	58.38	46	48.38
165	Berenda	67	69.95	55	59.95	51	49.95
175	Borden	67	71.55	60	61.55	56	51.55
184	Sycamore	72	72.78	65	62.78	60	52.78
194	Fresno	77	73.58	70	63.58	65	53.58
204	Fowler	83	73.78	75	63.78	69	53.78
214	Kings River	88	73.98	80	63.98	73	53.98
221	Cross Creek	92	74.12	82	64.12	75	54.12

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SCHEDULE M.—Continued.

Distance	FROM SAN FRANCISCO TO—	FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
		C. P. R. R.	C. B. & Q. R. R.	C. P. R. R.	C. B. & Q. R. R.	C. P. R. R.	C. B. & Q. R. R.
228	Goshen	96	74.26	86	64.28	79	54.26
239	Tulare	100	74.48	90	64.48	83	54.48
249	Tipton	104	74.68	94	64.68	87	54.68
261	Alila	108	74.92	97	64.92	91	54.92
269	Delano	118	75.08	100	65.08	94	55.08
281	Posa	115	75.32	103	65.32	97	55.32
289	Lerdo	117	75.48	105	65.48	99	55.48
302	Sumner	120	75.74	107	65.74	101	55.74
317	Pampa	123	76.04	109	66.04	103	56.04
324	Caliente	125	76.18	110	66.18	104	56.18
<i>Sacramento Division.</i>							
145	American River	20	66.04	18	56.04	16	46.04
146	Arcade	22	66.94	30	56.94	18	46.96
155	Antelope	24	68.20	22	58.20	20	48.20
158	Roseville Junction	26	68.74	24	58.74	22	48.74
162	Rocklin	30	69.44	28	59.44	26	49.44
165	Pino	31	69.95	29	59.95	27	49.95
168	Penryn	33	70.46	30	60.46	28	50.46
171	Newcastle	35	70.95	32	60.95	29	50.95
176	Auburn	39	71.70	36	61.70	31	51.70
183	Clipper Gap	44	72.66	41	62.66	34	52.66
189	New England Mills	48	73.38	45	63.38	37	53.38
194	Colfax	53	73.58	50	63.58	40	53.58

TABLE

Showing a comparison of the classification of freight provided by the Archer bill, with the classifications of local freight in use by the Union Pacific; Lake Shore and Michigan Southern; Pennsylvania Central; New York and Erie; Pittsburgh, Fort Wayne, and Chicago; Illinois Central; Ohio and Mississippi; Michigan Central; Chicago, Burlington, and Quincy; Chicago, Danville, and Vincennes Railroads.

ARTICLES.	Chicago, Danville, and Vincennes											
	1	1	1	1	1	1	1	1	1	1	1	1
Agricultural implements, owners' risk, as follows: Harvesting machines, threshers, plows, feed-cutters, and harrows	1	1	1	1	1	1	1	1	1	1	1	1
Seed drills, corn-planters, cultivators, shovel-plows, fanning-mills, horse-rakes, and similar light and bulky machines, knocked down	1	1	1	1	1	1	1	1	1	1	1	1
Agricultural implements—Reapers, mowers, harvesting machines, threshers, plows, feed-cutters, harrows, etc., in car loads	A	A	A	A	A	A	A	A	A	A	A	A
Agricultural implements—Seed-drills, corn-planters, cultivators, shovel-plows, fanning-mills, horse-rakes, and similar light and bulky machines, set up	1	1	1	1	1	1	1	1	1	1	1	1
Plows and harrows, boxed	1	1	1	1	1	1	1	1	1	1	1	1
Agricultural implements, owner's risk of chafing and ordinary breakage	1	1	1	1	1	1	1	1	1	1	1	1
Alcohol, high wines, and pure spirits, in wood, owner's risk of leakage, in car loads	A	A	A	A	A	A	A	A	A	A	A	A
Alcohol, high wines, and pure spirits, in wood, owner's risk of leakage, in less than car loads, add 15 per cent. to above	B	B	B	B	B	B	B	B	B	B	B	B
Alcohol, high wines, and pure spirits, at \$20 per barrel valuation, in car loads	1	1	1	1	1	1	1	1	1	1	1	1
Alcohol, high wines, and pure spirits, at \$20 per barrel valuation, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1	1
Ale and beer, in wood	1	1	1	1	1	1	1	1	1	1	1	1
Ale and beer, in wood, owner's risk of leakage, in car loads	1	1	1	1	1	1	1	1	1	1	1	1
Alum, in barrels, in car loads	1	1	1	1	1	1	1	1	1	1	1	1
Alum, in barrels, in less than car loads	1	1	1	1	1	1	1	1	1	1	1	1
Ammunition, fixed and cartridges	1	1	1	1	1	1	1	1	1	1	1	1

* Forty per cent. less than 3.

COMPARATIVE TABLE—Continued.

ARTICLES.

ARTICLES.	Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne, and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Anchors, in car loads	B	3	4	4	4	4	4	3	4	4	4
Anchors, in less than car loads, add 15 per cent. to above		1									
Antimony, in car loads	4	3	2	4	4	4	4	3	4	4	4
Antimony, in less than car loads, add 15 per cent. to above		1									
Anvils, in car loads	B	3	4	4	4	4	4	3	4	4	4
Anvils, in less than car loads, add 15 per cent. to above		2									
Apples, dried	4	2	4	4	4	4	4	2	4	4	4
Apple pears	D1	3	1								
Artificial flowers and feathers	B	3									
Asbestos, in car loads	4	2	3	3	3	3	3	2	3	3	3
Asbestos, in less than car loads, add 15 per cent. to above		2									
Augers, post-hole	4	2	3	3	3	3	3	2	3	3	3
Axes, on handles	A	2	3	3	3	3	3	2	3	3	3
Axletrees, in car loads	B	2	4	4	4	4	4	3	4	4	4
Axletrees, in less than car loads, add 15 per cent. to above		2									
Axles, wagon and carriage, in car loads	B	2	4	4	4	4	4	3	4	4	4
Axles, wagon and carriage, in less than car loads, add 15 per cent. to above		2									
Axles, car, in car loads	B	3	4	4	4	4	4	3	4	4	4
Axles, car, in less than car loads, add 15 per cent. to above		3									
Backings, in car loads	B	3									
Backings, in less than car loads, add 15 per cent. to above		3									
Bacon, in boxes or barrels	4	3	4	4	4	4	4	3	4	4	4
Bacon, in sacks	3	2	3	3	3	3	3	2	3	3	3
Bags and begging, in bales released	B	2	3	3	3	3	3	2	3	3	3
Bags, paper, in car loads	B	2	3	3	3	3	3	2	3	3	3
Bags, paper, in less than car loads, add 15 per cent. to above		2									
Bags, paper, in car loads	A	2	3	3	3	3	3	2	3	3	3
Baking powder, in car loads	4	2	3	3	3	3	3	2	3	3	3
Baking powder, in less than car loads, add 15 per cent. to above		2									
Barley, pearl	1	2	2	2	2	2	2	2	2	2	2
Barrels, empty, 80 pounds each	B	3	4	4	4	4	4	3	4	4	4
Barrels, empty or knocked down, in car loads		3									

Base metal or base bullion, in car loads	4	1	1	1	1	1	1	1	1	1	1
Base metal or base bullion, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1	1
Base balls and bats	3	1	1	1	1	1	1	1	1	1	1
Basket spinits	D1	1	1	1	1	1	1	1	1	1	1
Baskets, willow	B	2	2	2	2	2	2	2	2	2	2
Bath brick, in car loads	1	1	1	1	1	1	1	1	1	1	1
Bath brick, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1	1
Bath-tubs	1	1	1	1	1	1	1	1	1	1	1
Bath rims	1	1	1	1	1	1	1	1	1	1	1
Beams	4	1	1	1	1	1	1	1	1	1	1
Bed-slats, wooden, in car loads	1	1	1	1	1	1	1	1	1	1	1
Bed-slats, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1	1
Bedsteads and bunks, iron	B	2	2	2	2	2	2	2	2	2	2
Beef and pork, mess	1	1	1	1	1	1	1	1	1	1	1
Bee-hives, prepaid	4	1	1	1	1	1	1	1	1	1	1
Bees, in car loads	2	2	2	2	2	2	2	2	2	2	2
Bees, in less than car loads, add 15 per cent. to above		2	2	2	2	2	2	2	2	2	2
Beeswax	4	1	1	1	1	1	1	1	1	1	1
Bellows, blacksmith	4	1	1	1	1	1	1	1	1	1	1
Bells, less than 100 pounds each	2	2	2	2	2	2	2	2	2	2	2
Bells, over 100 pounds each	4	1	1	1	1	1	1	1	1	1	1
Belted, leather, released	3	1	1	1	1	1	1	1	1	1	1
Belted, leather	3	1	1	1	1	1	1	1	1	1	1
Belted, rubber	3	1	1	1	1	1	1	1	1	1	1
Benzine, owner's risk of leakage and fire, in car loads	B	1	1	1	1	1	1	1	1	1	1
Benzine, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1	1
Billiard tables complete, including slate or marble, in car loads	3	1	1	1	1	1	1	1	1	1	1
Billiard tables, owner's risk, boxed	2	1	1	1	1	1	1	1	1	1	1
Billiard tables, wood work of, without slate or marble, separate	1	1	1	1	1	1	1	1	1	1	1
Bird cages, boxed	D1	1	1	1	1	1	1	1	1	1	1
Binders' boards, in car loads	B	2	2	2	2	2	2	2	2	2	2
Binders' boards, in less than car loads, add 15 per cent. to above		2	2	2	2	2	2	2	2	2	2
Bitters, in glass, owner's risk	4	1	1	1	1	1	1	1	1	1	1
Bitters, in car loads	B	1	1	1	1	1	1	1	1	1	1
Blackboards, in boxes	4	1	1	1	1	1	1	1	1	1	1
Blackboards, in boxes or barrels, in car loads	B	1	1	1	1	1	1	1	1	1	1
Blackboard, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1	1
Black lead, in boxes or barrels, in car loads	B	1	1	1	1	1	1	1	1	1	1
Bleaching salts, in car loads	B	1	1	1	1	1	1	1	1	1	1
Bleaching salts, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1	1
Blinds	1	1	1	1	1	1	1	1	1	1	1
Blue vitriol, in car loads	B	1	1	1	1	1	1	1	1	1	1

* Forty per cent. less than 2.

COMPARATIVE TABLE—Continued.

ARTICLES.

	Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Blue vitriol, in less than car loads, add 15 per cent. to above	4	D1	3-1	2	2	1	2	1	2	2	2
Bluing liquid	D1	D1	1	1	1	1	D1	1	D1	D1	D1
Boats, not over 26 feet long	1	1	1	1	1	1	1	1	1	1	1
Bobbins, wound	3	3	1	2	2	2	2	2	2	2	2
Boilers, not more than 26 feet long	B	2	2	2	2	2	2	2	2	2	2
Boiler fittings	A	3	3	4	4	4	4	4	4	4	4
Boiler fires, copper and brass	3	2	2	2	2	2	2	2	2	2	2
Boiler fires, iron, in car loads	1	1	1	1	1	1	1	1	1	1	1
Boiler fires, in less than car loads, add 15 per cent. to above	B	1	1	1	1	1	1	1	1	1	1
Bone and bone dust, in car loads	4	2	4	4	4	4	4	4	4	4	4
Bone and bone dust, in less than car loads, add 15 per cent. to above	B	2	2	2	2	2	2	2	2	2	2
Books, blank	3	3	3	3	3	3	3	3	3	3	3
Books and shoes, leather, strapped	1	1	1	1	1	1	1	1	1	1	1
Borax, crude, over 5,000 pounds	4	4	4	4	4	4	4	4	4	4	4
Bottles, in crates or boxes, owner's risk, in car loads	B	1	1	1	1	1	1	1	1	1	1
Bottles, in less than car loads, add 15 per cent. to above	4	2	4	4	4	4	4	4	4	4	4
Box, extracts (should be bark)	B	2	2	2	2	2	2	2	2	2	2
Box stuff, in car loads	4	2	4	4	4	4	4	4	4	4	4
Box stuff, in less than car loads, add 15 per cent. to above	B	2	2	2	2	2	2	2	2	2	2
Brackets, fine metal, bronze or brass	4	2	4	4	4	4	4	4	4	4	4
Brackets, wood or iron	4	2	4	4	4	4	4	4	4	4	4
Brass, castings or sheet	2	1	2	2	2	2	2	2	2	2	2
Brass kettles	A	3	3	3	3	3	3	3	3	3	3
Bridges, iron, in car loads	B	1	1	1	1	1	1	1	1	1	1
Brick, in less than car loads, add 15 per cent. to above	4	2	4	4	4	4	4	4	4	4	4
Brims, in car loads	B	1	1	1	1	1	1	1	1	1	1
Brims, in less than car loads, add 15 per cent. to above	4	2	4	4	4	4	4	4	4	4	4
Brimstone, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Bridles	1	1	1	1	1	1	1	1	1	1	1
Britannia ware	1	1	1	1	1	1	1	1	1	1	1

* Forty per cent. less than 2.

Bronzing powder	1	1	1	1	1	1	1	1	1	1	1
Broom corn, compressed	3	3	3	3	3	3	3	3	3	3	3
Brooms	1	1	1	1	1	1	1	1	1	1	1
Brushes	1	1	1	1	1	1	1	1	1	1	1
Buckets, nested	2	2	2	2	2	2	2	2	2	2	2
Buffalo robes	1	1	1	1	1	1	1	1	1	1	1
Buggies, knocked down and compactly boxed, wheels and poles taken off, if not too large to be loaded in a box car	1	1	1	1	1	1	1	1	1	1	1
Buggies, knocked down, in skeleton frames	1	1	1	1	1	1	1	1	1	1	1
Bulls and roots, prepaid	1	1	1	1	1	1	1	1	1	1	1
Bulk meats, in carloads	1	1	1	1	1	1	1	1	1	1	1
Bulk meats, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Bulk meats, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Burial cases, metallic	1	1	1	1	1	1	1	1	1	1	1
Burial cases, wooden	1	1	1	1	1	1	1	1	1	1	1
Burials, in bales, released	1	1	1	1	1	1	1	1	1	1	1
Burr blocks and millstones	1	1	1	1	1	1	1	1	1	1	1
Butter	1	1	1	1	1	1	1	1	1	1	1
Buttons, pins and needles, buckles, hooks and eyes	1	1	1	1	1	1	1	1	1	1	1
Butts, hickory, in car loads	1	1	1	1	1	1	1	1	1	1	1
Butts, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Butts, staples, hooks and hinges, in car loads	1	1	1	1	1	1	1	1	1	1	1
Butts, staples, hooks and hinges, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Candles, car loads	1	1	1	1	1	1	1	1	1	1	1
Candles, less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Canned fish and meats, car loads	1	1	1	1	1	1	1	1	1	1	1
Canned fish and meats, less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Canned fruit and vegetables, car loads	1	1	1	1	1	1	1	1	1	1	1
Canned fruit and vegetables, less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Canvases, in bales, owner's risk of chafing, released	1	1	1	1	1	1	1	1	1	1	1
Canvases, in cases and bales	1	1	1	1	1	1	1	1	1	1	1
Caps, percussion	1	1	1	1	1	1	1	1	1	1	1
Capitans, car loads	1	1	1	1	1	1	1	1	1	1	1
Capitans, less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Carboys, empty, estimated weight 100 pounds each	1	1	1	1	1	1	1	1	1	1	1
Cards, playing	1	1	1	1	1	1	1	1	1	1	1
Carpets, in cases	1	1	1	1	1	1	1	1	1	1	1
Carpets, in bales, owner's risk of chafing, released	1	1	1	1	1	1	1	1	1	1	1
Carpet lining	1	1	1	1	1	1	1	1	1	1	1
Carpet sweepers	1	1	1	1	1	1	1	1	1	1	1
Carriages, knocked down and completely boxed, wheels and poles taken off, if not too large to be loaded in box car	1	1	1	1	1	1	1	1	1	1	1

* Forty per cent. less than 2.

COMPARATIVE TABLE—Continued.

ARTICLES.

Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts. Ft. Wayne and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Carriages, knocked down and boxed, wheels and poles taken off, and too large to be loaded in box car	D 1	D 1	D 1	D 1			3-1	D 1	4-1	3-1
Carriages, in skeleton frames or covered with tarpaulin, and not too large to be loaded in a box car	D 1	D 1	D 1	D 1			3-1	D 1	D 1	3-1
Carriages, omnibuses, street cars, buggies, and stages, in car loads, estimated weight 20,000 pounds	3	1	1	D 1				1		3-1
Carriages, omnibuses, street cars, buggies, and stages, in less than car loads, add 15 per cent. to above	1	1	1	D 1				1		3-1
Carriage and coffin trimmings	A	3	3	3				3		2
Car-springs, rubber or steel, car loads		3	3	3				3		2
Car-springs, rubber or steel, in less than car loads, add 15 per cent. to above		3	3	3				3		2
Car-springs, rubber or steel, boxed, car loads		3	3	3				3		2
Car-springs, rubber or steel, boxed, in less than car loads, add 15 per cent. to above		3	3	3				3		2
Car-springs, rubber or steel, bundles, released, car loads	B	3	3	3				3		2
Car-springs, rubber or steel, bundles, released, in less than car loads, add 15 per cent. to above	B	3	3	3				3		2
Carriages and fixed ammunition	1	1	1	1				1		2
Car wheels, car loads	B	3	3	3				3		2
Car wheels, less than car loads, add 15 per cent. to above	B	3	3	3				3		2
Cement, plaster, and stucco, in barrels, car loads	B	3	3	3				3		2
Cement, plaster, and stucco, in barrels, in less than car loads, add 15 per cent. to above	B	3	3	3				3		2
Chains, iron or steel, car loads		3	3	3				3		2
Chains, iron or steel, in less than car loads, add 15 per cent. to above		3	3	3				3		2
Chalk	4	3	3	3				3		2
Charcoal, in sacks	1	1	1	1				1		2
Charcoal, car loads, estimated weight 20,000 pounds	4	3	3	3				3		2
Cheese	2	2	2	2				2		2
Chicoory	2	2	2	2				2		2
China-ware, in boxes or casks	2	2	2	2				2		2
Chocolate and cocoa	4	3	3	3				3		2

Churns, boxed or racked.

Churns	2	1	1	1	1	1	1	1	1	1
Cigars, packed in cases	D 1	D 1	D 1	D 1	D 1	D 1	D 1	D 1	D 1	D 1
Cigars, in cases, corded, strapped, and sealed	4	4	4	4	4	4	4	4	4	4
Cigar moulds	4	4	4	4	4	4	4	4	4	4
Citron	4	4	4	4	4	4	4	4	4	4
Clocks and weights	4	4	4	4	4	4	4	4	4	4
Clothes-pins, boxed, car loads	4	4	4	4	4	4	4	4	4	4
Clothes-pins, boxed, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Clothes-wringers	4	4	4	4	4	4	4	4	4	4
Clothing, in bales	4	4	4	4	4	4	4	4	4	4
Clothing, in bales, owner's risk of chafing released	4	4	4	4	4	4	4	4	4	4
Coal oil, petroleum, owner's risk, car loads	4	4	4	4	4	4	4	4	4	4
Coal oil, petroleum, owner's risk, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Coal scuttles, nested	4	4	4	4	4	4	4	4	4	4
Cocoa and straw matting and mats	4	4	4	4	4	4	4	4	4	4
Codfish, desiccated	4	4	4	4	4	4	4	4	4	4
Coffee, in sacks	4	4	4	4	4	4	4	4	4	4
Coffee extracts	4	4	4	4	4	4	4	4	4	4
Coffee mills	4	4	4	4	4	4	4	4	4	4
Coloring	4	4	4	4	4	4	4	4	4	4
Composition for roofing, car loads	4	4	4	4	4	4	4	4	4	4
Composition for roofing, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Concentrated lye, car loads	4	4	4	4	4	4	4	4	4	4
Concentrated lye, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Condensed milk, car loads	4	4	4	4	4	4	4	4	4	4
Condensed milk, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Condensers	4	4	4	4	4	4	4	4	4	4
Condensing tubes, same as iron tubes, car loads	4	4	4	4	4	4	4	4	4	4
Condensing tubes, same as iron tubes, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Confectionery	4	4	4	4	4	4	4	4	4	4
Copper bottoms	4	4	4	4	4	4	4	4	4	4
Copper vessels	4	4	4	4	4	4	4	4	4	4
Coppying presses, car loads	4	4	4	4	4	4	4	4	4	4
Coppying presses, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Cordage	4	4	4	4	4	4	4	4	4	4
Cork and corks	4	4	4	4	4	4	4	4	4	4
Cornices, zinc or galvanized iron	4	4	4	4	4	4	4	4	4	4
Cornmeal and corn, in car loads	4	4	4	4	4	4	4	4	4	4
Cornmeal and corn, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Cotton, compressed	4	4	4	4	4	4	4	4	4	4

* Forty per cent. less than 2. † Forty per cent. less than 4.

COMPARATIVE TABLE—Continued.

ARTICLES.

ARTICLES.	Archer Bill.	Union Pacific.	Lake Shore and Mich. Southern.	Penn. Central.	N. Y. and Erie.	Pitts., Ft. Wayne, and Chicago.	Illinois Central.	Ohio and Miss.	Michigan Central.	Chicago, Bur. and Quincy.	Chicago, Danville, and Vincennes.
Florida water, car load	B	1	1	1	1	1	1	1	1	1	1
Florida water, in less than car loads, add 15 per cent. to above	4	3	4	3	4	2	1	1	1	3	1
Flour, in less than car loads	4	3	4	4	4	B	4	2	3	3	3
Flour, in car loads, same as grain	2	2	2	2	2	2	2	1	2	2	2
Forage	4	1	1	1	1	1	1	1	1	1	1
Forks, hay and manure	2	1	1	1	1	1	1	1	1	1	1
Forks, wooden and grain	4	1	1	1	1	1	1	1	1	1	1
Fowls, alive, in car loads	4	D1	D1	D1	D1	D1	A	A	D1	A	A
Fowls, alive, in less than car loads, add 15 per cent. to above	1	D1	D1	D1	D1	D1	D1	1	D1	D1	D1
Fruit-boxes, empty, 25 pounds each	4	1	1	1	1	1	1	1	1	1	1
Fruit-boxes, set up or knocked down, in car loads of 20,000 pounds	4	1	1	1	1	1	1	1	1	1	1
Fruit-butter	1	1	1	1	1	1	1	1	1	1	1
Fruit-chests, empty, 80 pounds each	1	1	1	1	1	1	1	1	1	1	1
Fruit, green, owner's risk, prepaid, by car loads	1	1	1	1	1	1	1	1	1	1	1
Fruit, green, owner's risk, prepaid, in less than car loads	1	1	1	1	1	1	1	1	1	1	1
Furnishing goods	1	1	1	1	1	1	1	1	1	1	1
Furniture, set up and well boxed (except chairs)	1	1	1	1	1	1	1	1	1	1	1
Furniture, except chairs, as follows: Knocked down, not compact, well boxed	2	3	3	3	3	3	3	3	3	3	3
Furniture, except chairs, as follows: Knocked down flat, well boxed, in car loads	4	3	3	3	3	3	3	3	3	3	3
Black walnut, in the white, knocked down flat, well boxed, in less than car loads, add 15 per cent. to above	B	8	A	1	1	B	A	A	SR	A	B
Common wood in the white, knocked down flat and well boxed	3	2	2	2	2	2	2	2	2	2	2
Finished and upholstered, knocked down flat and well boxed	1	3	3	3	3	3	3	3	3	3	3
Set up, not boxed (except chairs), in car loads	1	3	3	3	3	3	3	3	3	3	3
Set up, not boxed (except chairs), in less than car loads, add 15 per cent. to above	1	3	3	3	3	3	3	3	3	3	3
Chairs, set up and completely boxed	1	3	3	3	3	3	3	3	3	3	3
Chairs, set up in racks, released	1	3	3	3	3	3	3	3	3	3	3
Furs	1	1	1	1	1	1	1	1	1	1	1
Fuse	1	1	1	1	1	1	1	1	1	1	1
Fuse, in car loads	3	1	1	1	1	1	1	1	1	1	1

Garden seed

Gasoline, owner's risk of fire and leakage, in car loads	2	1	1	1	1	1	1	1	1	1	1
Gasoline, owner's risk of fire and leakage, in less than car loads, add 15 per cent. to above	B	3	1	1	1	1	1	1	1	1	1
Gas pipe, in car loads	B	2	1	1	1	1	1	1	1	1	1
Gas pipe, in less than car loads, add 15 per cent. to above	4	3	3	3	3	3	3	3	3	3	3
Gas stoves	4	3	3	3	3	3	3	3	3	3	3
Gelatine	2	2	2	2	2	2	2	2	2	2	2
Ginger	4	2	2	2	2	2	2	2	2	2	2
Ginseng, in car loads	4	2	2	2	2	2	2	2	2	2	2
Ginseng, in less than car loads, add 15 per cent. to above	A	2	2	2	2	2	2	2	2	2	2
Glass chimneys, in boxes or barrels	4	1	1	1	1	1	1	1	1	1	1
Glass-look, over six feet long, released	D1	1	1	1	1	1	1	1	1	1	1
Glass plate, not over six feet long	1	1	1	1	1	1	1	1	1	1	1
Glass plate, over six feet long, released	D1	1	1	1	1	1	1	1	1	1	1
Glass signs	1	1	1	1	1	1	1	1	1	1	1
Glassware (except chimneys and globes), in car loads	A	1	1	1	1	1	1	1	1	1	1
Glassware (except chimneys and globes), in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1	1
Glass window, not over three feet long, in car loads	B	2	2	2	2	2	2	2	2	2	2
Glass window, not over three feet long, in less than car loads, add 15 per cent. to above	4	3	3	3	3	3	3	3	3	3	3
Glycerine, in car loads	4	1	1	1	1	1	1	1	1	1	1
Glycerine, in less than car loads, add 15 per cent. to above	A	1	1	1	1	1	1	1	1	1	1
Grass and clover seed	3	2	2	2	2	2	2	2	2	2	2
Grass and hemp matting and mats	3	2	2	2	2	2	2	2	2	2	2
Gravel, in car loads	3	2	2	2	2	2	2	2	2	2	2
Grindstones, in car loads	3	2	2	2	2	2	2	2	2	2	2
Grindstones, in less than car loads, add 15 per cent. to above	3	2	2	2	2	2	2	2	2	2	2
Gum, chewing	3	2	2	2	2	2	2	2	2	2	2
Gum, copal and shellac	3	2	2	2	2	2	2	2	2	2	2
Gunny-bags, in car loads	3	2	2	2	2	2	2	2	2	2	2
Gunny-bags, in less than car loads, add 15 per cent. to above	3	2	2	2	2	2	2	2	2	2	2
Gunny-bags, in less than car loads, add 15 per cent. to above	3	2	2	2	2	2	2	2	2	2	2
Guttering, copper and tin	4	1	1	1	1	1	1	1	1	1	1
Hair, compressed and rope	4	1	1	1	1	1	1	1	1	1	1
Hair, in sacks	4	1	1	1	1	1	1	1	1	1	1
Hair-goods or imitation	4	1	1	1	1	1	1	1	1	1	1
Hair, human	4	1	1	1	1	1	1	1	1	1	1
Hair-cloth, in cases	4	1	1	1	1	1	1	1	1	1	1
Hammocks	4	1	1	1	1	1	1	1	1	1	1

* Forty per cent. less than 2.

† Forty per cent. less than 4.

‡ Twenty per cent. less than B.

COMPARATIVE TABLE—Continued.

ARTICLES.	Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne, and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Iron roofing, in less than car loads, add 15 per cent. to above	A	3	4	4	3	4	4	3	4	4	4
Iron shutters, in car loads	A	3	3	3	3	3	3	2	3	3	3
Iron shutters, in less than car loads, add 15 per cent. to above	A	3	3	3	3	3	3	2	3	3	3
Iron vault fronts, linings, and facings, in car loads	A	3	2	3	2	4	1	2	2	1	2
Iron vault fronts, linings, and facings, in less than car loads, add 15 per cent. to above	A	3	2	3	2	4	1	2	2	1	2
Iron, galvanized, in car loads	A	3	2	3	2	4	1	2	2	1	2
Iron, galvanized, in less than car loads	A	3	2	3	2	4	1	2	2	1	2
Iron garden vases and ornaments, at owner's risk, in car loads	A	3	2	3	2	4	1	2	2	1	2
Iron garden vases and ornaments, at owner's risk, in less than car loads, add 15 per cent. to above	A	3	2	3	2	4	1	2	2	1	2
Iron, railroad, in car loads	B	1	1	2	1	1	1	1	1	1	1
Iron, railroad, in less than car loads, add 15 per cent. to above	B	1	1	2	1	1	1	1	1	1	1
Iron safes, weighing 3,000 pounds each, or less	4	3	4	4	4	4	4	4	4	4	4
Iron safes, weighing 3,000 pounds each, or less	4	3	4	4	4	4	4	4	4	4	4
Iron safes, over 3,000 pounds, and not over 4,000 pounds	3	3	2	3	2	3	2	3	2	3	2
Iron safes, over 6,000 pounds each	2	3	2	3	2	3	2	3	2	3	2
Isinglass	2	1	1	1	1	1	1	1	1	1	1
Ivory	1	1	1	1	1	1	1	1	1	1	1
Japan-ware	1	1	1	1	1	1	1	1	1	1	1
Jute, or jute butts	4	3	3	3	3	3	3	3	3	3	3
Junk, excepting scrap-iron, in car loads	A	3	3	3	3	3	3	3	3	3	3
Junk, excepting scrap-iron, in less than car loads, add 15 per cent. to above	A	3	3	3	3	3	3	3	3	3	3
Knitting-machines	2	1	1	2	2	1	1	1	1	1	1
Lampblack, in casks or barrels	4	1	1	1	1	1	1	1	1	1	1
Lamp globes and shades	2	1	1	1	1	1	1	1	1	1	1
Lamp, lanterns, and fixtures	2	1	1	1	1	1	1	1	1	1	1
Lard	4	1	1	1	1	1	1	1	1	1	1
Lasts, boxed	4	2	4	4	3	3	2	2	3	2	2
Lawn-mowers	2	2	2	4	1	2	C	B	1	3	2
Lead, bar and sheet, in boxes, car loads	B	3-2	2	3	1	2	4	2	4	2	2
Lead, bar and sheet, in boxes, in less than car loads, add 15 per cent. to above	B	3-2	2	3	1	2	4	2	4	2	2

Lead pipe, in casks, car loads	4	2	2	2	1	1	1	1	1	1	1
Lead pipe, in casks, in less than car loads, add 15 per cent. to above	4	2	2	2	1	1	1	1	1	1	1
Leather	2	1	1	1	1	1	1	1	1	1	1
Lemons and oranges, owner's risk, prepaid	4	1	1	1	1	1	1	1	1	1	1
Licorice	4	1	1	1	1	1	1	1	1	1	1
Liquors in glass, owner's risk of leakage	4	1	1	1	1	1	1	1	1	1	1
Liquors in wood, \$20 valuation per barrel, in car loads	4	1	1	1	1	1	1	1	1	1	1
Liquors in wood, \$20 valuation per barrel, in less than car loads, add 15 per cent. to above	B	3	3	3	3	3	3	3	3	3	3
Lithographic stones	2	1	1	1	1	1	1	1	1	1	1
Live plants and trees, boxed, prepaid	2	1	1	1	1	1	1	1	1	1	1
Live stock, less than car loads, estimated weight as follows:	1	1	1	1	1	1	1	1	1	1	1
Horses, mules, and horned animals, not valued at over \$100 each—one, 2,000 pounds; two, 3,500 pounds; three, 5,000 pounds; each additional animal, 1,000 pounds	1	1	1	1	1	1	1	1	1	1	1
Stallions, 4,000 pounds each	1	1	1	1	1	1	1	1	1	1	1
The same, when valued at more than \$100 each, add to rate 5 per cent. of the increased valuation	1	1	1	1	1	1	1	1	1	1	1
Hogs, sheep, lambs, and calves, actual weight, but not less than 300 pounds each	1	1	1	1	1	1	1	1	1	1	1
Live stock, in car loads	1	1	1	1	1	1	1	1	1	1	1
Sheep, hogs, and calves, in double-decked cars, 20 per cent. more than Class B	B	1	1	1	1	1	1	1	1	1	1
Sheep, hogs, and calves, in single-decked cars, 20 per cent. less than Class B	B	1	1	1	1	1	1	1	1	1	1
Locomotives on their own wheels, per mile, man in charge free one way	374c	3	3	3	3	3	3	3	3	3	3
Locomotive tires, in car loads	B	3	3	3	3	3	3	3	3	3	3
Locomotive tires, in less than car loads, add 15 per cent. to above	B	3	3	3	3	3	3	3	3	3	3
Lumber, hard or soft, in car loads, special rates	4	4	4	4	4	4	4	4	4	4	4
Mantels, iron and slate marbleized, including grates, released	4	4	4	4	4	4	4	4	4	4	4
Machinery, in car loads	4	4	4	4	4	4	4	4	4	4	4
Machinery, coarse, not boxed, not otherwise specified	4	4	4	4	4	4	4	4	4	4	4
Machinery, fine, boxed	4	4	4	4	4	4	4	4	4	4	4
Manilla, in bales	2	1	1	1	1	1	1	1	1	1	1
Maps, boxed	3	1	1	1	1	1	1	1	1	1	1
Maps, in bundles	1	1	1	1	1	1	1	1	1	1	1
Man rollers	4	4	4	4	4	4	4	4	4	4	4
Marble, wrought, owner's risk if lettered, must be prepaid, in car loads	4	4	4	4	4	4	4	4	4	4	4
Marble, wrought, owner's risk if lettered, must be prepaid, in less than car loads, add 15 per cent. to above	A	1	1	1	1	1	1	1	1	1	1
Marble dust, in barrels	B	3	3	3	3	3	3	3	3	3	3
Marble dust, in barrels, in less than car loads	B	3	3	3	3	3	3	3	3	3	3
Marble dust, in barrels, in less than car loads, add 15 per cent. to above	B	3	3	3	3	3	3	3	3	3	3
Marble, unwrought, owner's risk of breakage, blocks or slabs, car loads	B	3	3	3	3	3	3	3	3	3	3

*Twenty-five per cent. to Class C.

COMPARATIVE TABLE—Continued.

ARTICLES.	Archer Bill.	Union Pacific.	Lake Shore and Mich. Southern.	Penn. Central.	N. Y. and Erie.	Pitta, Ft. Wayne, and Chicago.	Illinois Central.	Ohio and Miss.	Michigan Central.	Chicago, Bur. and Quincy.	Chicago, Danville, and Vincennes.
Marble, unwrought, owner's risk of breakage, blocks or slabs, in less than car loads, add 15 per cent. to above.	A	3		3	2	2	4	4	2	4	4
Matches, car loads.	1 1/2	D 1	D 1	D 1	D 1	D 1	1	1 1/2	D 1	D 1	1
Mattresses, spring beds, and bottoms.	1	1	1	1	1	1	1	1	1	1	1
Mats and rugs, not otherwise specified.	2	1	1	1	1	1	1	1	1	1	1
Meat choppers.	1	1	1	1	1	1	1	1	1	1	1
Meat, fresh, owner's risk, prepaid.	D 1	1 1/2	D 1	1	1	1	1	1	1	1	1
Meters.	2	3	SR	2	3	3	2	3	SR	3	3
Millinery and straw goods.	2	2	1	2	2	2	1	2	1	2	2
Mills, bark, cider, feed, and paint.	4	3	4	4	4	4	4	4	4	4	4
Mill stuff.	2	3	1	3	3	3	1	3	1	3	3
Mill stuff, car loads, same as grain.	B	2	1	2	2	2	1	2	1	2	2
Mince meat.											
Mineral waters, in barrels, owner's risk of leakage, car loads.											
Mineral waters, in barrels, owner's risk of leakage, in less than car loads, add 15 per cent. to above.	B	2	3	2	3	3	1	3	2	3	3
Molasses, in barrels, owner's risk of leakage, car loads.											
Molasses, in barrels, owner's risk of leakage, in less than car loads, add 15 per cent. to above.	4	3	3	2	3	3	4	4	1	4	4
Money drawers, in nests, boxed.	1	1	1	1	1	1	1	1	1	1	1
Moss, in bundles.	4	1 1/2	1	1 1/2	1	1	1 1/2	1	1 1/2	1	1
Mouldings.	3	3	2	3	3	3	1	3	2	3	3
Musical instruments, not otherwise specified.	1	1	1	1	1	1	1	1	1	1	1
Mustard, ground.	4	2	2	2	2	2	2	2	2	2	2
Mustard seed, in bags.	4	2	2	2	2	2	2	2	2	2	2
Nails or spikes, in kegs, car loads.	4	2	2	2	2	2	2	2	2	2	2
Nails or spikes, in kegs, in less than car loads, add 15 per cent. to above.	B	3	3	3	3	3	3	3	3	3	3

* Thirty per cent. less than 4.

Nails, in boxes, car loads.	A	2	4	4	4	4	4	4	4	4	4
Nails, in boxes, in less than car loads, add 15 per cent. to above.	1	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2
Nets, fishing.	2	1	1	1	1	1	1	1	1	1	1
Nickle-plated goods.	3	1	1	1	1	1	1	1	1	1	1
Nutmegs.	A	2	2	2	2	2	2	2	2	2	2
Nuts, in barrels, boxes and bags.											
Oakum, in bales, car loads.	4	2	2	2	2	2	2	2	2	2	2
Oakum, in bales, less than car loads, add 15 per cent. to above.	4	2	2	2	2	2	2	2	2	2	2
Oars.	4	2	2	2	2	2	2	2	2	2	2
Oilcloth, over twelve feet long.	2	2	2	2	2	2	2	2	2	2	2
Oilcloth, boxed, not over twelve feet long, car load.	2	2	2	2	2	2	2	2	2	2	2
Oilcloth, boxed, not over twelve feet long, in less than car loads, add 15 per cent. to above.	A	2	2	2	2	2	2	2	2	2	2
Oil, not otherwise specified, in boxes, barrels, cases, or owner's risk, car loads.	A	2	2	2	2	2	2	2	2	2	2
Oil, in less than car loads, add 15 per cent. to above.	4	2	2	2	2	2	2	2	2	2	2
Oilstones.	4	2	2	2	2	2	2	2	2	2	2
Ore, in car loads.	A	2	2	2	2	2	2	2	2	2	2
Ore, in less than car loads, add 15 per cent. to above.	4	2	2	2	2	2	2	2	2	2	2
Organs, church.	1 1/2	1	1	1	1	1	1	1	1	1	1
Oysters, in shell, barrels, prepaid, owner's risk.	4	2	2	2	2	2	2	2	2	2	2
Ok-bows and yokes.	4	2	2	2	2	2	2	2	2	2	2
Packing, rubber and other, car loads.	A	2	2	2	2	2	2	2	2	2	2
Pails, in less than car loads, add 15 per cent. to above.	A	2	2	2	2	2	2	2	2	2	2
Pails, nested.	2	2	2	2	2	2	2	2	2	2	2
Paintings and pictures, owner's risk.	1	1	1	1	1	1	1	1	1	1	1
Paints, in boxes, not otherwise specified, car loads.	A	2	2	2	2	2	2	2	2	2	2
Paints, in less than car loads, add 15 per cent. to above.	4	2	2	2	2	2	2	2	2	2	2
Paints, white lead or zinc, dry or in oil, in kegs or cases, boxed, car loads.	B	2	2	2	2	2	2	2	2	2	2
Paper, in less than car loads, add 15 per cent. to above.	3	2	2	2	2	2	2	2	2	2	2
Paper collars and cuffs, flat and compact.	3	2	2	2	2	2	2	2	2	2	2
Paper.	1	1	1	1	1	1	1	1	1	1	1
Paper goods and paper ware, not otherwise specified.	1	1	1	1	1	1	1	1	1	1	1
Paper, printed or ruled.	3	2	2	2	2	2	2	2	2	2	2
Paper, printing.	3	2	2	2	2	2	2	2	2	2	2
Paper, printing, car loads.	B	2	2	2	2	2	2	2	2	2	2
Paper, wrapping, straw, Manilla, or hardware, car loads.	B	2	2	2	2	2	2	2	2	2	2
Paper, in less than car loads, add 15 per cent. to above.	B	2	2	2	2	2	2	2	2	2	2
Paper, roofing, car loads.	B	2	2	2	2	2	2	2	2	2	2
Paper, roofing, in less than car loads, add 15 per cent. to above.	B	2	2	2	2	2	2	2	2	2	2
Paper, tissue, car loads.	A	2	2	2	2	2	2	2	2	2	2
Paper, tissue, in less than car loads, add 15 per cent. to above.	A	2	2	2	2	2	2	2	2	2	2
Paper hangings, in boxes, car loads.	A	2	2	2	2	2	2	2	2	2	2

* Thirty per cent. less than 3. † Forty per cent. less than 4.

ARTICLES.

Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne, and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Paper hangings, in boxes, in less than car loads, add 15 per cent. to above	A	2	1	2	1	1	2	1	2	2, 4, 5
Paraffine or spermaceti, car loads	1	3	3	3	3	3	3	3	3	3
Paraffine or spermaceti, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Patent egg-boxes, 80 pounds each	1	1	1	1	1	1	1	1	1	1
Pepper	1	1	1	1	1	1	1	1	1	1
Perfumery	1	1	1	1	1	1	1	1	1	1
Photographic goods	1	1	1	1	1	1	1	1	1	1
Pianos, organs, and melodeons, boxed	2	1	1	1	1	1	1	1	1	1
Pickles, preserves, and sauces	4	1	1	1	1	1	1	1	1	1
Picks and mattocks, iron, boxed, car loads	B	2	2	2	2	2	2	2	2	2
Picks and mattocks, iron, boxed, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Picture-frames, boxed	1	1	1	1	1	1	1	1	1	1
Pigs' feet and sausage	3	3	3	3	3	3	3	3	3	3
Pipes, other than clay	4	4	4	4	4	4	4	4	4	4
Pipes, clay	4	4	4	4	4	4	4	4	4	4
Piles, same as lumber	B	3	3	3	3	3	3	3	3	3
Pitch, owner's risk, car loads	1	1	1	1	1	1	1	1	1	1
Pitch, owner's risk, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Plaster Paris ornaments, released	1	1	1	1	1	1	1	1	1	1
Plated ware	1	1	1	1	1	1	1	1	1	1
Plow-beams, iron, wood, or steel	4	4	4	4	4	4	4	4	4	4
Plow-points and shares, same as trail castings	B	2	2	2	2	2	2	2	2	2
Plumbago, car loads	3	3	3	3	3	3	3	3	3	3
Plumbago, in less than car loads, add 15 per cent. to above	3	3	3	3	3	3	3	3	3	3
Pork, dressed, owner's risk	1	1	1	1	1	1	1	1	1	1
Portmanteaus, satchels, and valises, boxed	1	1	1	1	1	1	1	1	1	1
Posts, fence, same as lumber	B	3	3	3	3	3	3	3	3	3
Potash, in boxes or barrels, car loads	3	3	3	3	3	3	3	3	3	3
Potash, in boxes or barrels, in less than car loads, add 15 per cent. to above	4	4	4	4	4	4	4	4	4	4
Potatoes	4	4	4	4	4	4	4	4	4	4

Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne, and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Poultry, live, car loads (see fowls)	3	3	3	3	3	3	3	3	3	3
Poultry, live, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Poultry, dressed, owner's risk, prepaid	4	4	4	4	4	4	4	4	4	4
Printer's cases, racked	3	3	3	3	3	3	3	3	3	3
Printing-presses	A	1	1	1	1	1	1	1	1	1
Prunes, in casks, car loads	3	3	3	3	3	3	3	3	3	3
Prunes, in casks, in less than car loads, add 15 per cent. to above	3	3	3	3	3	3	3	3	3	3
Prune juice, car loads	A	1	1	1	1	1	1	1	1	1
Prune juice, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Pulleys and blocks	B	1	1	1	1	1	1	1	1	1
Pumps, steam and hydraulic	4	4	4	4	4	4	4	4	4	4
Putty, car loads	2	2	2	2	2	2	2	2	2	2
Putty, in less than car loads, add 15 per cent. to above rates	B	2	2	2	2	2	2	2	2	2
Quicksilver, in flasks, car loads	4	4	4	4	4	4	4	4	4	4
Quicksilver, in iron flasks	4	4	4	4	4	4	4	4	4	4
Rags, in bales	4	4	4	4	4	4	4	4	4	4
Rags, in sacks	2	2	2	2	2	2	2	2	2	2
Railroad cars, passenger, on their own wheels, per mile	15c	15c	15c	15c	15c	15c	15c	15c	15c	15c
Railroad cars, baggage, mail, and express, on their own wheels, per mile	12c	12c	12c	12c	12c	12c	12c	12c	12c	12c
Railroad cars, box and stock, on their own wheels, per mile	10c	10c	10c	10c	10c	10c	10c	10c	10c	10c
Railroad cars, platform and gondola, on their own wheels, per mile	8c	8c	8c	8c	8c	8c	8c	8c	8c	8c
Raisins, strapped	4	4	4	4	4	4	4	4	4	4
Rattan, reeds, and willows	1	1	1	1	1	1	1	1	1	1
Refrigerators and water-coolers	1	1	1	1	1	1	1	1	1	1
Resin, owner's risk, car loads	2	2	2	2	2	2	2	2	2	2
Resin, owner's risk, in less than car loads, add 15 per cent. to above	B	3	3	3	3	3	3	3	3	3
Retorts, clay	3	3	3	3	3	3	3	3	3	3
Retorts, released, owner's risk, car loads	A	1	1	1	1	1	1	1	1	1
Retorts, released, owner's risk, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Rice, car loads	B	1	1	1	1	1	1	1	1	1
Rice, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Roofing-felt, car loads	A	3	3	3	3	3	3	3	3	3
Roofing-felt, in less than car loads, add 15 per cent. to above	3	3	3	3	3	3	3	3	3	3
Rubber-boots and clothing	4	4	4	4	4	4	4	4	4	4
Rubber-hose, in cases, car loads	A	1	1	1	1	1	1	1	1	1
Rubber-hose, in cases, in less than car loads, add 15 per cent. to above	1	1	1	1	1	1	1	1	1	1
Russia sheet-iron	1	1	1	1	1	1	1	1	1	1
Russia sheet iron, owner's risk of rust	2	2	2	2	2	2	2	2	2	2
Saddlery	1	1	1	1	1	1	1	1	1	1
Saddles	1	1	1	1	1	1	1	1	1	1
Sad irons, in car loads	1	1	1	1	1	1	1	1	1	1
Sad irons, in less than car loads, add 15 per cent. to above	A	2	2	2	2	2	2	2	2	2

* Forty per cent less than 4.

COMPARATIVE TABLE—Continued.

ARTICLES.

Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Safe, milk and cheese	H	D1	1	3	D1	D1	D1	D1	D1	D1
Salaratus, in car loads	A	2	3	3	4	4	4	4	4	4
Salaratus, in less than car loads, add 15 per cent. to above		2	3	3	4	4	4	4	4	4
Salts, Epsom, in car loads	A	1	3	3	3	3	3	3	3	3
Salts, Epsom, in less than car loads, add 15 per cent. to above		1	3	3	3	3	3	3	3	3
Saltpeter, in car loads	A	2	3	3	3	3	3	3	3	3
Saltpeter, in less than car loads, add 15 per cent. to above		2	3	3	3	3	3	3	3	3
Sal-soda, in car loads	A	2	3	3	3	3	3	3	3	3
Sal-soda, in less than car loads, add 15 per cent. to above		2	3	3	3	3	3	3	3	3
Sand, in car loads, same as gravel	A	8	4	4	C	D	C	SR	D	D
Sash doors and blinds, car loads	B	D1	1	1	1	1	1	1	1	1
Sash doors and blinds, less than car loads, add 15 per cent. to above		1	4	2	4	4	4	4	4	4
Sash weights, in car loads		8	4	4	C	D	C	SR	D	D
Sash weights, in less than car loads, add 15 per cent. to above		8	4	4	C	D	C	SR	D	D
Saw-dust, in car loads, same as gravel		8	4	4	C	D	C	SR	D	D
Saws, boxed	4	1	3	3	3	3	3	3	3	3
Saws, on board	2	1	1	1	1	1	1	1	1	1
Scales and scale-beams, car loads	A	2	3	3	3	3	3	3	3	3
Scales and scale-beams, in less than car loads, add 15 per cent. to above		2	3	3	3	3	3	3	3	3
School slates, boxed, car loads	A	2	3	3	3	3	3	3	3	3
School slates, boxed, in less than car loads, add 15 per cent. to above		2	3	3	3	3	3	3	3	3
Sawyer, road	4	2	1	1	1	1	1	1	1	1
Seythes	4	2	1	1	1	1	1	1	1	1
Seythe snaths	4	2	1	1	1	1	1	1	1	1
Seythe stories	4	2	1	1	1	1	1	1	1	1
Seed, not otherwise specified	7	1	1	1	1	1	1	1	1	1
Seed sowers	1	1	1	1	1	1	1	1	1	1
Sewing machines, in racks	1	1	1	1	1	1	1	1	1	1
Sewing machines, boxed	1	1	1	1	1	1	1	1	1	1
Sewing machines, wood-work, when separate, in boxes	4	2	1	1	1	1	1	1	1	1
Sewing machines, knippled down and boxed	4	2	1	1	1	1	1	1	1	1

Sewing-machines, castings of, when separate, in boxes	4	2	1	1	1	1	1	1	1	1
Sewing-machines, castings of, when separate, in boxes, in less than car loads, add 15 per cent. to above	4	2	1	1	1	1	1	1	1	1
Sheep-shears	4	2	1	1	1	1	1	1	1	1
Sheet music	1	1	1	1	1	1	1	1	1	1
Shoe-findings	4	2	1	1	1	1	1	1	1	1
Shoe-pegs	4	2	1	1	1	1	1	1	1	1
Shof, in kegs or boxes, car loads	B	3	3	3	3	3	3	3	3	3
Shof, in kegs or boxes, in less than car loads, add 15 per cent. to above		3	3	3	3	3	3	3	3	3
Shovels and spades, owner's risk	4	2	1	1	1	1	1	1	1	1
Show-cards	4	2	1	1	1	1	1	1	1	1
Show-cases, owner's risk	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1
Shuttles	1	1	1	1	1	1	1	1	1	1
Sieve-rins	1	1	1	1	1	1	1	1	1	1
Silk goods, in boxes	1	1	1	1	1	1	1	1	1	1
Skins, sheep, goat, deer, etc.	2	1	1	1	1	1	1	1	1	1
Slate, roofing, car loads	B	3	3	3	3	3	3	3	3	3
Slate, roofing, in less than car loads, add 15 per cent. to above		3	3	3	3	3	3	3	3	3
Sledges, without handles, car loads	B	3	3	3	3	3	3	3	3	3
Sledges, without handles, in less than car loads, add 15 per cent. to above		3	3	3	3	3	3	3	3	3
Snuff, in boxes or barrels	2	2	2	2	2	2	2	2	2	2
Soap, common, lots of 5,000 pounds and over, in less than car loads, add 15 per cent. to above	B	3	3	3	3	3	3	3	3	3
Soap, common, lots of 5,000 pounds and over, in less than car loads, add 15 per cent. to above	B	3	3	3	3	3	3	3	3	3
Soap, fancy and Castile	4	2	1	1	1	1	1	1	1	1
Soap-root	3	3	3	3	3	3	3	3	3	3
Soapstone, in car loads	B	3	3	3	3	3	3	3	3	3
Soapstone, in less than car loads, add 15 per cent. to above		3	3	3	3	3	3	3	3	3
Soda, in kegs and boxes, car loads	A	2	2	2	2	2	2	2	2	2
Soda, in kegs and boxes, in less than car loads, add 15 per cent. to above		2	2	2	2	2	2	2	2	2
Soda, caustic, car loads	B	3	3	3	3	3	3	3	3	3
Soda, caustic, in less than car loads, add 15 per cent. to above		3	3	3	3	3	3	3	3	3
Soda-fountains	1	1	1	1	1	1	1	1	1	1
Spelter and solder, car loads	A	2	2	2	2	2	2	2	2	2
Spelter and solder, in less than car loads, add 15 per cent. to above		2	2	2	2	2	2	2	2	2
Spirits of turpentine, in boxes or barrels, in car loads	B	1	1	1	1	1	1	1	1	1
Spirits of turpentine, in boxes or barrels, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1
Sponges	1	1	1	1	1	1	1	1	1	1
Sponges, compressed, in bales	1	1	1	1	1	1	1	1	1	1
Spring wire, in boxes or casks	1	1	1	1	1	1	1	1	1	1
Stamped ware, in car loads	A	1	1	1	1	1	1	1	1	1
Stamped ware, in less than car loads, add 15 per cent. to above		1	1	1	1	1	1	1	1	1

COMPARATIVE TABLE—Continued.

ARTICLES.

ARTICLES.	Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne, and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Bur. and Quincy	Chicago, Danville, and Vincennes
Starch, car loads	B	3	3	3	3	4	4	S	4	4	4
Starch, in less than car loads, add 15 per cent. to above		2	2	2	2	3	3	3	2	3	3
Stationery	B	2	2	2	2	3	3	3	2	3	3
Stave bolts, car loads		S	S	1	1	1	1	1	1	1	1
Stave bolts, in less than car loads, add 15 per cent. to above				4	4	4	4	B	4	4	4
Stave heading, or shakes, car loads, same as staves				4	4	4	4	B	4	4	4
Steam gauges and indicators	2	S	4						SR	SR	B
Steel, cases or bundles, car loads	A	3	4								
Steel, cases or bundles, in less than car loads, add 15 per cent. to above		3	4								
Stoves, ranges, registers, stove furniture, and hollow-ware, owner's risk of breakage, car loads	A	S	A	3	2	4	2	A	4	3	A
Stoves, ranges, registers, stove furniture, and hollow-ware, owner's risk of breakage, in less than car loads, released	4	1	1	1	1	3	1	1	1	3	3
Stove castings, bundles	4	1	1	1	1	1	1	1	1	1	1
Stove-pipe and elbows	4	1	1	1	1	1	1	1	1	1	1
Stove polish, car loads	B	1	2						1	1	2
Stove polish, in less than car loads, add 15 per cent. to above		3	SR	4	3	3	3	4	3	3	4
Sugar, car loads	B	3	3	4	4	4	4	4	4	4	4
Sugar, in less than car loads, add 15 per cent. to above		3	3	4	4	4	4	4	4	4	4
Sugar, maple or lemon	A	2	3	4	4	4	4	4	4	4	4
Sumac, car loads	B	3	3	4	4	4	4	4	4	4	4
Sumac, in less than car loads, add 15 per cent. to above		3	3	4	4	4	4	4	4	4	4
Syrup, released, car loads	B	3	3	4	4	4	4	4	4	4	4
Syrup, released, in less than car loads, add 15 per cent. to above		3	3	4	4	4	4	4	4	4	4
Syrup, maple, owner's risk	3	3	3								
Syrup, maple, coloring, in wood, not molasses	3	3	3								
Soda cases and bottles, empty, eighty pounds each	1	S	SR	4	4	A	D	C	SR	D	D
Stone, in blocks, dressed or rough, owner's risk, car loads	B	3	4	4	4	4	4	4	4	4	4
Stone, in less than car loads, add 15 per cent. to above		3	4	4	4	4	4	4	4	4	4
Tacks, car loads	A	2	2	3	3	3	2				
Tacks, in less than car loads, add 15 per cent. to above		2	2	3	3	3	2				

Tallow, car loads	A	3	4	4	3	4	4	3	4	4	4
Tallow, in less than car loads, add 15 per cent. to above		3	4	4	3	4	4	3	4	4	4
Tar, owner's risk, car loads	B	3	4	4	3	4	4	3	4	4	4
Tar, owner's risk, in less than car loads, add 15 per cent. to above		3	4	4	3	4	4	3	4	4	4
Telegraph cable	4										
Telegraph instruments	1	3	1								
Telegraph insulators	1	3	1								
Telegraph battery material	1	3	1								
Telegraph insulators, battery material	1	3	1								
Telegraph poles, same as lumber	4										
Tea	1	S	1						SR		
Thread	1	1	1	1	1	1	1	1	1	1	1
Tiling, earthen fancy, car loads	1	1	1	1	1	1	1	1	1	1	1
Tiling, earthen fancy, in less than car loads, add 15 per cent. to above	A	1	1	1	1	1	1	1	1	1	1
Tiling, marble, slate, or drain, car loads	B	S	1			B	2	C	A	B	B
Tiling, marble, slate, or drain, in less than car loads, add 15 per cent. to above		S	1			B	2	C	A	B	B
Tin foil	4	4	4	4	4	4	4	4	4	4	4
Tin pans and covers, car loads	4	4	4	4	4	4	4	4	4	4	4
Tin pans and covers, in less than car loads, add 15 per cent. to above	A	4	4	4	4	4	4	4	4	4	4
Tin waiters, boxed, car loads	A	1	1	1	1	1	1	1	1	1	1
Tin waiters, boxed, in less than car loads, add 15 per cent. to above rates	A	1	1	1	1	1	1	1	1	1	1
Tin, pig or bar, car loads	B	3	4	4	3	4	4	3	4	4	4
Tin, pig or bar, in less than car loads, add 15 per cent. to above		3	4	4	3	4	4	3	4	4	4
Tin plate, car loads	B	3	4	4	3	4	4	3	4	4	4
Tin plate, in less than car loads, add 15 per cent. to above		3	4	4	3	4	4	3	4	4	4
Tinware, boxed	1	1	1	1	1	1	1	1	1	1	1
Tinner's trimmings	4	4	4	4	4	4	4	4	4	4	4
Tobacco, leaf, domestic	3	3	3	3	3	3	3	3	3	3	3
Tobacco, leaf, domestic, released	A	3	3	3	3	3	3	3	3	3	3
Tobacco, manufactured, in car loads, released	2	2	2	2	2	2	2	2	2	2	2
Tobacco, manufactured	2	2	2	2	2	2	2	2	2	2	2
Tool chests, mechanics	2	2	2	2	2	2	2	2	2	2	2
Tools, edged	2	2	2	2	2	2	2	2	2	2	2
Tow	4	4	4	4	4	4	4	4	4	4	4
Trunks, empty or filled, released	D	1	1	1	1	1	1	1	1	1	1
Tuba, nested	2	2	2	2	2	2	2	2	2	2	2
Turbine-wheels, car loads	A	2	2	2	2	2	2	2	2	2	2
Turbine-wheels, in less than car loads, add 15 per cent. to above		2	2	2	2	2	2	2	2	2	2
Twine, in cases or barrels	3	3	3	3	3	3	3	3	3	3	3
Twine, in bales, released	4	4	4	4	4	4	4	4	4	4	4
Type, in boxes, released	1	1	1	1	1	1	1	1	1	1	1
Umbrellas, boxed	1	1	1	1	1	1	1	1	1	1	1

* Forty per cent. less than 4.

COMPARATIVE TABLE—Continued.

ARTICLES.

Articles	Archer Bill	Union Pacific	Lake Shore and Mich. Southern	Penn. Central	N. Y. and Erie	Pitts., Ft. Wayne, and Chicago	Illinois Central	Ohio and Miss.	Michigan Central	Chicago, Br. and Quincy	Chicago, Danville, and Vincennes
Valises, same as trunks	A	1	1	1	1	1	1	1	1	1	1
Yarnish, owner's risk of leakage, car loads	B	1	1	1	1	1	1	1	1	1	1
Yarnish, owner's risk of leakage, in less than car loads, add 15 per cent. to above											
Vault-lights, car loads											
Vault-lights, in less than car loads, add 15 per cent. to above											
Vegetable crates and boxes, 100 pounds each											
Vehicles of all kinds, not boxed, owner's risk of fire, chafing, weather, and breakage, at estimated weights, as follows:											
Stage-coaches, omnibuses, hearse, carriages, hacks, and extra large wagons or sleighs, 8,000 pounds each											
An ordinary two-horse express-wagon, buggy, or sleigh, 3,000 pounds each											
A one-horse buggy, chaise, cab, cart, wagon, or sleigh, with top, 2,000 pounds each											
A gig or sulky, 1,000 pounds each											
An ordinary one or two horse buggy or wagon, without top, cart, or sleigh, taken apart so as to be loaded in a box-car, 1,500 pounds each											
A two-horse peddler's wagon, 3,000 pounds											
A one-horse peddler's wagon, 2,500 pounds											
Fire-engines, hand, each 4,000 pounds											
Fire-engines, steam, each 8,000 pounds											
Hose-carts, each 1,500 pounds											
Street cars, one horse, 6,000 pounds											
Street cars, two horses, 8,000 pounds											
Veneering, boxed											
Wadding											
Wagons, children's, set up											
Wagons, children's, knocked down and boxed											
Wagons, common, in pieces											
Wagons, single and double trees, car loads											
Wagons, single and double trees, in less than car loads, add 15 per cent. to above											
Wagon whiffletrees, car loads											

Wagon whiffletrees, in less than car loads, add 15 per cent. to above											
Wagon poles and shafts, rough											
Wagon and carriage wheels, poles, and shafts											
Warp											
Washing machinery, boxed											
Wax											
Weather strips, boxed											
Webbing											
Whalebone											
Wheelbarrows and trucks, set up											
Whips, boxed											
Whiting, car loads											
Whiting, in less than car loads, add 15 per cent. to above											
Wicking											
Willow-ware											
Wind mills											
Wind mills, car load											
Window shades											
Wine, in boxes and baskets											
Wire, car loads											
Wire, in less than car loads, add 15 per cent. to above											
Wire-cloth, boxed											
Wire, fencing											
Wire goods											
Woodenware, boxed											
Wood pipe											
Wool, in car loads											
Wool, compressed, less than car load											
Woolen goods, in bales											
Woolen goods, in bales, owner's risk of chafing, released											
Wrenches											
Yarn, in cases											
Yeast powders, car loads											
Yeast powders, in less than car loads, add 15 per cent. to above											
Yeast cakes, car loads											
Yeast cakes, in less than car loads, add 15 per cent. to above											
Yellow metal, car loads											
Yellow metal, in less than car loads, add 15 per cent. to above											
Zinc, in cases or boxes, car loads											
Zinc, in cases or boxes, in less than car loads, add 15 per cent. to above											
Zinc, in slabs, car loads											
Zinc, in slabs, in less than car loads, add 15 per cent. to above											

REPORT

OF THE

Committees on Public Buildings and Grounds

OF THE

SENATE AND ASSEMBLY.

REPORT.

The Committees on Public Buildings and Grounds of both Houses have agreed in joint session upon the following as their report upon the public buildings of this State which they have visited:

On the buildings here reported upon, testimony was taken as to their condition and wants, and as to the application made by their Managers, Directors, or Trustees of the public moneys intrusted to them, in part before the committees singly, and in part before them when they were sitting together. All this testimony has been adopted by each committee, and, together with their personal inspection of the buildings reported upon, forms the basis of this report.

The building for which the largest appropriation is asked, and the management of whose affairs has required—being in a very involved state—most time, patience, and labor at the hands of the committees, is the Napa State Asylum for the Insane, and to it therefore belongs the first place.

NAPA STATE ASYLUM FOR THE INSANE.

The Senate Committee on Public Buildings and Grounds, in accordance with the duties imposed upon them by law, visited the above institution on Tuesday, January eleventh, eighteen hundred and seventy-six. The buildings and grounds were carefully examined and a protracted meeting was held in the office of Mr. Hartson, in Napa. There was present on the occasion, Messrs. Hartson, Sterling, and Doble, of the Board of Directors; W. C. Watson, Treasurer; J. Wright, Architect; and Robert Ewing, contractor for the brick laying. They were severally examined under oath upon all matters connected with the administration of the trust committed to them by the Legislature, the manner of construction of the building, and the extent and value of the water supply.

The Assembly Committee on Public Buildings and Grounds visited Napa on the twentieth and twenty-first days of December, eighteen hundred and seventy-five, and while there made a careful examination of the asylum. They also took the testimony of Mr. Nathan Coombs as to the water right, and listened to the statement of Mr. W. C. Watson, the Secretary, as to the state of his books and accounts. Subsequently, in Sacramento, they examined many witnesses, and read and collated various long and intricate accounts, or rather what purported to be accounts. They have had the advantage of the advice of an expert architect in estimating the value of the building.

and of an expert accountant in arriving at the state of its financial affairs.

It would have been a pleasant task to them if, after all their labor in investigating the affairs and condition of this great public institution, they could come before the Legislature and report that the Board of Directors had been as careful in expending the people's money as they were in erecting an elegant and almost regal edifice.

If one were to point it out to a stranger as the residence, built by the State's charity for five hundred lunatics, mostly paupers, it would be natural for the stranger to infer, that here in California, pointed towers and gaudy minarets, a shining roof and tessellated floors, electric bells, and a sixteen-thousand-dollar clock, were the proper and requisite appurtenances to the already magnificent accommodations here provided. Not only are all these things wholly unnecessary; they are absolutely detrimental to a building of this description; making it a gazing-place for visitors, who by their constant presence serve to irritate the patients and render them dissatisfied. Such is merely the impression this committee received on visiting the asylum.

After hearing all the testimony, and making use of every means of information that was open to us, your committee have come to the following conclusions:

We find that under the provisions of section twenty-one of the Act entitled an Act to provide further accommodations for the insane of the State of California (approved March twenty-seventh, eighteen hundred and seventy-two), and to provide a special fund therefor, the Governor, on the tenth day of April, eighteen hundred and seventy-four, appointed C. H. Swift and Drs. G. A. Shurtleff and E. T. Wilkins, as Commissioners to select a site for the asylum provided for in the said Act. They reported to the Governor on the second day of August, eighteen hundred and seventy-two, that they had selected a tract of land containing two hundred and eight acres, contiguous to the Town of Napa, and their selection was ratified by the Governor and T. M. Logan, M. D., Secretary of the State Board of Health, on August twelfth, eighteen hundred and seventy-two.

On the twenty-third day of the same month the Governor, in accordance with section five of the aforesaid Act, appointed the following-named gentlemen to act as Directors, to manage the affairs of the institution: J. H. Goodman, C. Hartson, and R. H. Sterling, residents of Napa, to serve for two years, and J. W. Jewett and Dr. J. F. Morse to hold office for four years from the date of their respective appointments. On the thirteenth day of September, eighteen hundred and seventy-two, the Directors met and organized by electing Dr. J. F. Morse as President, J. H. Goodman, Vice President, and W. C. Watson as Treasurer and ex officio Secretary. It was then resolved upon to advertise for plans and specifications for an asylum building to accommodate five hundred patients, with the proper accommodations for the officers and the latest improvements. The architects were required to produce such a design as would comply with these conditions in a substantial manner, at a cost not to exceed six hundred thousand dollars, and to provide that it should be so arranged that one section, capable of accommodating two hundred patients, could be completed for the appropriation named in the aforesaid Act. Premiums were offered as follows: First premium, one thousand five hundred dollars; second, one thousand dollars; third, five hundred

dollars. On the sixteenth day of January, eighteen hundred and seventy-three, designs were submitted by several architects, and on the twenty-third day of January, eighteen hundred and seventy-three, the Board met and examined them. They were divided in their choice—a majority not being in favor of any one design. Governor Booth and Drs. Shurtleff and Wilkins were, by virtue of section seven of the Act aforesaid, appointed as an advisory committee, whose approval was absolutely required before the final adoption of any one plan by the Board of Directors.

All the plans were submitted to the advisory committee, and the designs submitted by Wright & Sanders were selected by Governor Booth, Drs. Shurtleff and Wilkins, as being, in their judgment, the best of all, provided the building designed could be erected for six hundred thousand dollars. Their choice was unanimously ratified by the Board of Directors, and a bond of five thousand dollars was signed by Wright & Sanders that said building could be erected for the sum named and in the manner prescribed by law.

Premiums were then given as follows: First premium, one thousand five hundred dollars, to Wright & Sanders; second, of one thousand dollars, to Bugbee & Sons; third, of five hundred dollars, to A. T. Eisen. In accordance with the instructions of the Board of Directors, estimates were received as follows, being based on the plans and specifications as adopted:

ROBERT EWING'S ESTIMATE.

Excavating drains and asphaltum work	\$11,740 00
Rubble stone work	34,500 00
Brick work	194,350 00
Stone	17,100 00
Wrought-iron	16,320 00
Galvanized-iron cornice	30,130 00
Wrought-iron for vanes	1,720 00
Elevators, tubes, bells, etc.	8,220 00
Engine and steam work	18,400 00
Denit arching and setting	2,500 00
Carpenters' work, lumber, painting and glazing	153,178 00
Slating and metal-work of roof	26,130 00
Plastering and deafening	21,238 00
Total	\$535,526 00

FARRELL'S ESTIMATE.

Excavating stone and brick work and drains	\$260,550 00
Plastering and deafening	20,620 00
Carpenter work, lumber	151,012 00
Tin-smith, slating, and galvanized cornice	61,302 00
Steam fixtures, steam boiler, engine, and gas-pipe, and plumbing, and water-tanks	27,135 00
Artificial stone work	18,450 00
Tiling denit, and wrought-iron work	14,384 00
Hydraulic lifts, mantels, ovens, and asphaltum	10,452 00
Total	\$563,905 00

In reply to a question by the Chairman of the Senate committee, Mr. Ewing stated that he would have entered into a contract for the completion of the structure for the sum named.

So far, the Directors seem to have acted with commendable prudence, and, according to law, it was supposed that a contract would have been entered into with Mr. Ewing, a competent and responsible builder, at the lowest estimate; such a proposal could not be otherwise than satisfactory. This was not done; the Board and its architects proceeded to revise the specifications in nearly every important item, vastly increasing the cost of the building and retarding its completion. Specious pretexts were assigned for these important alterations, but on a thorough investigation, we have found them to be wholly uncalled for, with the exception of one, involving an increased cost of not more than fifteen thousand dollars; that is the change to Port Orford cedar finish. After these changes were determined on, and before the meeting of the Legislature, the Board entered into a contract with John Cochrane, of San Francisco, for the completion of the foundation and basement story of the entire building, at a cost of sixty-four thousand four hundred and forty-four dollars; this, too, in the face of the fact, that the whole amount available for the completion of the first section, was less than two hundred and thirty-seven thousand dollars. This was a breach of not only the statute law, but also of the benevolent intentions of the Legislature, who, in the exercise of a humane policy, and taking into the fullest consideration the lamentable over-crowding of the Stockton Asylum, were desirous, at the earliest possible moment, to have a suitable building erected to relieve that institution. The language of the statute, providing for this matter, is as follows: "And further provided, that the Directors shall not adopt any plans for the asylum, or other buildings, that will not secure the building and finishing of at least one section thereof, suitable for the accommodation and treatment of patients, within the appropriation named in this Act." Yet, in the face of this mandate, they proceed to let out this first contract, which absorbs more than one-fourth of the amount available for the completion of the section required. From the commencement to the present time, the action of the Directors has been an unbroken series of expensive changes and violated promises. Commencing at the foundation, we find that under the Ewing bid, the cost thereof would not exceed thirty-four thousand five hundred dollars; Cochrane was awarded the work at sixty-four thousand four hundred and forty-four dollars, and his final settlement was for eighty-one thousand nine hundred dollars, or an increase of forty-seven thousand dollars over the original estimate. The following schedule will show at a glance the progressive changes made in the character of the work:

Ewing's first estimate was for	\$535,536 00
Architects' first estimate	600,000 00
Architects' second estimate	838,570 00

The latter estimate was submitted to the last Legislature, and after careful consideration, both by the Senate and Assembly Committees, and upon the positive promise from the Directors that the sum named was sufficient for the entire completion of the structure, with all its adjuncts, and the water-works required for the use of the institution, it was accepted and the Legislature passed an Act (approved March

twenty-fourth, eighteen hundred and seventy-four), appropriating the sum of six hundred thousand dollars to pay the deficiency in the amount required for the completion of the asylum, with the proviso that one section capable of accommodating two hundred patients should be completed by the first day of November, eighteen hundred and seventy-four; and further, "the Directors are hereby directed and required to complete said asylum for the sum appropriated, and that said Board shall not let any contract which shall exceed that sum."

Section 3. The provisions of section three thousand two hundred and thirty-three of the Political Code are hereby declared not to apply to the Napa State Asylum for the Insane, and all contracts heretofore made for said erection are hereby legalized.

Section 4. Any violation or failure to comply with section two of this Act by the Board of Directors of the Napa State Asylum for the Insane, shall be a misdemeanor, and shall be punished by law, and all contracts made or debts incurred in violation of this or any other statute of this State defining their powers shall be void.

The requirements of the Legislature are here again unmistakably set forth, and any attempt to evade them is made a crime and punishable by law. The completion of the one section is again provided for; the fearfully over-crowded condition of the Stockton Asylum making it imperatively necessary to provide some means of relief, and the Board of Directors having given their assurance of their ability to do so within the time specified, the Legislature placed at their disposal the full amount of money they asked for, and overlooking their previous illegal manner of proceeding. Notwithstanding the provisions of this Act, their solemn assurances, and their knowledge of the condition of the Stockton Asylum, the Board of Directors neglected to comply with the conditions imposed on them. The section so urgently required was not completed to receive patients until more than one year after the time specified. The appropriation is all expended, heavy obligations have been incurred, and the building is still unfinished. The amount of money required for the completion of the building and water-works is difficult to determine, the reports made by the Directors have been vague and unsatisfactory, and the architects' reports have been the same; in their last biennial report the sum of eight hundred and eighty thousand nine hundred and twenty-six dollars and thirty-four cents is deemed sufficient to complete the building, and one hundred and forty-two thousand and ninety-two dollars and thirty-four cents to complete water-works, furniture, and grounds. In their report to the Senate and Assembly Committees on Public Buildings and Grounds, dated January twenty-second, eighteen hundred and seventy-six, the cost of the building, with its grounds, is put down at one million two hundred and seventy-nine thousand one hundred and eleven dollars and four cents; the last report received, and dated February twentieth, places the cost at one million three hundred and thirty-three thousand seven hundred and eighty-eight dollars and seventy cents for the buildings; and the cost of the ground, in addition, amounts to thirteen thousand two hundred and fifty-six dollars and forty-five cents, or a sum total of one million three hundred and forty-seven thousand and forty-four dollars and forty-five cents. The amount appropriated to cover all the expense of construction, and the improvement of the property and water supply, was eight hundred and forty-two thousand dollars.

The amount paid out on contracts amounts to eight hundred and one thousand eight hundred and ninety-one dollars and eighty-four cents, and on work done at schedule rates, twenty-five thousand five hundred and six dollars and thirty-two cents. Total amount paid on buildings, eight hundred and twenty-seven thousand three hundred and ninety-eight dollars and sixteen cents. Now due for work, at schedule rates, two hundred and fifteen thousand nine hundred and forty-five dollars, and due on the completion of the contracts, two hundred and two thousand, one hundred and seven dollars and twenty-five cents. Work not contracted for, twenty-six thousand, six hundred and fifty-four dollars and seventy-five cents. They have thus incurred a liability of four hundred and thirty thousand and five dollars and sixteen cents, over the amount allowed by statute. The obligations are due to the various contractors, and though they have been made in direct violation of the law, and are void, yet, as the contractors are innocent parties who, in good faith, have furnished materials and performed labor on a State building, on contracts made with State officers, they should be paid.

It will take one hundred and forty-one thousand one hundred and forty-one dollars to fully complete the water-works and grounds, and furniture, according to their estimates, which, in all cases, have been under the proper amount, and it will be safe to say that they will cost more than that amount. While we do not say that any money has been dishonestly appropriated, yet there has been an extravagance of finish in the building which, in our opinion, is not required for the use to which the structure is to be applied, nor in accordance with the true principles of economy. The amount of money required to pay the obligations already incurred and to complete the work is five hundred and fifty-nine thousand one hundred and ninety-three dollars and twenty-five cents.

Further than this, the Board of Directors, pursuing their usual course of careless extravagance, and presumably under the care, direction, and advice of the gentleman who seems to have acted throughout as their controlling power, the architects went on and expended sixteen thousand dollars in improving a water-right to which the State has no definite right, and from which she can legally derive no benefit.

The conclusions arrived at by your committees are as follows: The Directors have failed to carry out the humane intentions of the Legislature, by not completing one section of the building as required by law and as they so solemnly promised. The radical changes made in the character of the work were not all suggested by Drs. Wilkins and Shurtleff, but rather by the architects. The appointment of a commission to be intrusted with the management of the construction of a great building for the State, consisting of gentlemen unskilled in architecture or building, is wholly wrong; in this instance the commission was composed of bankers, lawyers, and physicians, not one of whom were familiar with building matters, hence they were in the hands of their architects, who gradually led them from change to change, with the result indicated above. It is suggested that in future it should be made the duty of the appointing power, to place at least one person skilled in architecture, or building, upon any commission intrusted with the erection of a public building. We congratulate the Legislature and the people upon the passage of Senate Bill No. 143, an Act to regulate contracts on

behalf of the State, in relation to erections and buildings. This law will, if rigidly enforced, prevent any such proceedings as took place in the management of the Napa State Asylum for the Insane.

THE DEAF AND DUMB AND BLIND ASYLUM.

The Committees on Public Buildings and Grounds would report that they visited the Institution for the Education of the Deaf, Dumb, and Blind, at Berkeley, Alameda County. Under the guidance of the Principal they examined the grounds, the remains of the burnt buildings, the water supply, and the new building. They find the latter a comfortable structure—erected as an addition to the old workshops—at a cost of fourteen thousand seven hundred dollars. Everything presented an air of neatness and comfort. An investigation was held by the Senate committee in the office of the Principal, as to the origin of the fire, the character of the destroyed building, and the immediate wants of the institution. The origin of the fire is at best but a matter of conjecture; and the opinion of the Principal in relation thereto is fully set out in the last biennial report; the character of the building he did not know anything about, as he was not an expert in such matters. But this one fact impressed your committee—here was a large and valuable stone structure, costing the State one hundred and ninety thousand dollars, presenting all the appearance of a permanent work, reduced to utter ruin within one hour after the first alarm of fire. The ruins of the wall were examined and found to be constructed in the worst manner, of inferior materials; whereas, if ordinary work had been done, the State could now avail itself of the walls for the purpose of reconstruction; this, however, is out of the question, and provision must be made for a new building. In reply to a question by the Chairman of the Senate committee, the Principal stated that it was the desire of the Board that the sum of three hundred thousand dollars should be given to erect a building to accommodate two hundred and fifty pupils, and ten thousand dollars additional for furniture. Your committees requested that plans, showing the character of the building desired, should be placed before them, which should be of such a character as to allow the completion of sufficient accommodations for one hundred and twenty-five pupils without interfering with future additions; a plan was accordingly presented, which was represented as meeting the wishes of the Board of Directors, and as embodying the full requirements for such an institution; the price for such a building was given at three hundred thousand dollars, and the accommodations were for one hundred and eighty-five pupils. Upon a thorough examination of the plan, and judging the style of finish from a small picture of the elevation, your committees had an expert to ascertain the probable cost of the same, and find that the mere shell of the building would cost three hundred and sixty thousand dollars, and its full completion one hundred and forty thousand dollars more, or five hundred thousand dollars in all, being at the rate per capita of two thousand seven hundred dollars. This was deemed extravagant, and further plans were requested. The Principal then suggested what is termed the cottage system, which consists of a series of detached buildings, with one central administrative department. No plans, however, were furnished, but the sum of one hundred thousand dollars was requested to commence the work, leaving to

future Legislatures to make the necessary appropriations for the completion of the work. This style of proceeding your committees do not think prudent, as it gives too much latitude in the direction of the work which, under this system, is as costly as under the first. A third plan was then presented, carrying out the system adopted in the old building, and the sum of two hundred and fifty thousand dollars is asked under this to provide accommodations for two hundred and fifty pupils—less than one-half the per capita at first required. If your committees had the time it probably would still further be reduced by some other plan, if the Principal thought proper to do so. But, having exhausted our time in endeavoring to get a plan of such a building as the State required from the Board, it was deemed prudent to have plans prepared in accordance with the written requirements of the Principal, embodying such suggestions as would be given by him. Such plans have been prepared, and after the fullest consideration, and upon the sworn testimony of our expert, we have arranged a plan that can be constructed for one hundred and forty thousand dollars, giving ample and comfortable accommodations to two hundred and eight pupils, or at the rate of six hundred and seventy-four dollars per capita. When it is taken into consideration that ample and substantial quarters have been provided for the insane at Stockton at the rate of six hundred and one dollars per capita, while the same class of accommodations cost at Napa two thousand six hundred dollars, the difference in the manner of building can be best appreciated. The subdivisions in the Stockton building are more costly and numerous than can possibly be the case in this structure, each patient having an apartment to herself, while the dormitory system, with large class and sitting rooms, is that adopted and recommended by the Principal of the Deaf and Dumb and Blind Asylum, and is much less costly in construction.

The plans prepared by the direction of the committees were given the Principal for inspection, and he submitted a report embodying seventy-six objections; upon careful examination of the same we find them more captious than real, and though we do not desire to enforce their adoption, yet we cannot recommend an appropriation upon any other basis than is presented by said plans, they being in our opinion a solution of the problem of providing the maximum of accommodation at the minimum of cost, as far as our information enables us to judge. The number of pupils at present in the institution is one hundred and ten. We, therefore, propose to allow the sum of one hundred and ten thousand dollars to commence the work and provide accommodations for one hundred and thirty pupils, a per capita of eight hundred and forty-six dollars and seventeen cents, and the entire structure when complete shall not exceed in cost one hundred and seventy-five thousand dollars, and shall accommodate two hundred and fifty pupils. The question of the water supply is one that requires immediate attention, as the only apparent source is from a comparatively small well on the grounds—not providing enough for irrigation purposes. We therefore suggest that money be provided for a connection with the water-works of the University, about one mile distant, so that an abundant supply may be had for all purposes.

In this connection we must state, that we have had no official knowledge of the views of the Directors, either in writing or person-

ally. This, in our judgment, is rather a singular course of procedure, showing that either they are indifferent to the management of the institution, or of the opinions of the Legislature.

STATE CAPITOL.

Your committees also appointed a special committee to examine into the condition and wants of the State Capitol, and their report, herewith submitted, has been adopted by them, and they concur in the recommendations and suggestions therein contained:

The special committee appointed to examine into the condition of the State Capitol and determine what repairs are necessary, and the cost of the same, would report as follows: The entire exterior of the structure requires immediate painting, and certain portions of the interior. The amount required for this work will be seven thousand dollars. The roof has been badly damaged from the work done in putting on the balustrade and figures over the cornice, and the valleys and portions round the sky-lights, and at the base of the dome and the roof of the lanthorn, should at once be soldered in the best possible manner, as from this source the decay of the work is greatly hastened. The cost of this work will be two thousand dollars. The glass of the sky-light requires immediate repairs, many of them being broken; strong plate should be used in the exposed portions. This will amount to the sum of two hundred and fifty dollars. The trusses of the roof are in a dangerous condition, and should be at once strengthened, and have additional bolts put in. The cost will be one thousand dollars. Hoods should be provided for the chimneys, the cost of which will be two hundred and fifty dollars. The joints of the iron work should at once be caulked. The cost will be two hundred and fifty dollars. The joints of the granite cornice need either leading or pointing, at a cost of one hundred and fifty dollars. Granite work should be cleaned, at a cost of eight hundred dollars. Water closets at south end of building should be repaired, at a cost of two hundred and fifty dollars. Screen over the dome lights, fifty dollars. Iron gratings in small windows of the dome to prevent access to the roof, one hundred dollars. Sum total of all repairs, five thousand one hundred dollars.

These are the principal items of repairs, and should be at once completed, as any further delay only injures the stability of the structure, which, if once impaired, will cost ten dollars to repair where one is sufficient now.

STATE AGRICULTURAL SOCIETY'S GROUNDS.

Your Committees on Public Buildings and Grounds would further report, concerning the buildings at the State Agricultural Society's Grounds, as follows: They visited the grounds in company with Messrs. Hamilton and Mott, of the Board of Directors, and Major Beck, the Secretary of the society. A careful examination was had of the buildings and grounds, the grand stand being the principal object of our attention. We find it to be a large and remarkably well-constructed building, capable of safely and comfortably seating seven thousand persons, with ample means of exit, and the usual offices. We find the same to have been erected at a very reasonable cost, under the immediate superintendence of Messrs. Cox and Carr,

of the Board of Directors, who gratuitously devoted their time to this work. All the buildings connected with the fair grounds we find in good repair, everything giving evidence of watchful care of the interests confided to the Board of Directors; and we would recommend the appropriation of the amount of money required to liquidate the indebtedness of the institution.

STATE UNIVERSITY AT BERKELEY.

The Committees on Public Buildings and Grounds visited the State University at Berkeley, and under the guidance of Acting President Le Conte made an examination of the college buildings, which were found in good order, no repairs being required. The President stated that owing to the vast increase of students attending the various classes provision should be made for additional buildings to receive the library and museum (they are now situated in the College of Agriculture, and occupy large class rooms), and for a building for a College of Mining and Mechanic Arts, there being no provision made for the machinery and apparatus required for such an institution. We do not deem it advisable at this time to recommend an appropriation for the library building, but recognizing the necessity that exists for the thorough organization of the latter department, we recommend an appropriation of forty thousand dollars for the erection of a suitable building for that purpose.

Professor Soulé, of the College of Engineering, accompanied us over the grounds and pointed out to us the various points from which the water supply of the college was to be obtained. This was a matter which so occupied our attention that we held a special meeting at the office of the Regents in San Francisco, at which were present Messrs. Winans, of the Board of Regents, and J. W. Dwinelle, ex-Regent, and Coffee, Duncan and Shanklin, all of whom were examined as to the interests of the University in the mountain lands and Heywood Springs. The result of our inquiry developed the following condition of affairs: A water company, properly incorporated, had obtained possession of the source of water supply of Strawberry Creek, which vested in the College of California. On the assumption of the property of the latter institution their interests in the water company passed into the possession of the Regents. This left the University with an undisputed right to the full supply of water passing through that creek, to the exclusion of all others between them. For reasons, however, which have not been explained, the Board of Regents sold to Mrs. M. Brayton all of its rights in the very land upon which the water supply was situated, taking in exchange property in Oakland for which the University can have no possible use. The supply from which the water is now obtained is partly on the land disposed of, and partly from the Heywood Springs. It is claimed that the State has a right to four inches per day from that source. This is the only supply of water for which the State has any claim. It is entirely inadequate for the purposes of the institution, and nothing now remains to be done but for the State to proceed to condemn the water shed in the vicinity and secure for all time an adequate supply.

We cannot leave this matter without expressing our utter condemnation of the loose and unbusiness-like manner in which the interests of the State have been managed in this connection. The disposition of the land donation next occupied our attention, but

owing to the vast amount of detail, which it would be necessary to investigate, we were unable to determine the manner of its disposal; the formation of a land office in connection with the University, to our mind, was not only a needless expense, but a great incumbrance to purchasers. The State Land Office could have transacted all the business, and this additional expense saved the State; such, however, seems not to have met the ideas of the Regents, and an expensive office was created.

The Regents have presented a memorial setting forth, in detail, what they consider the needs of the University:

For a library and museum.....	\$100,000
For an auditorium and drill-room.....	10,000
For mining and mechanical college.....	40,000
For increase of water supply.....	22,000
For agricultural experiments.....	10,000
For additional books.....	5,000
For improvement of ground.....	10,000
Sum total for buildings, etc.	\$197,000

Of this amount we have only consented to the appropriation necessary for the College of Mining and Mechanic Arts. The other buildings and improvements can be done at some future time when, perhaps, the management of the institution will be more in accord with the wishes of the people, whose desires in nearly everything pertaining to this institution have been contemptuously disregarded.

The conclusions arrived at by the committees are as follows:

The Board of Regents, in disposing of the property upon which is situated the source of water supply, committed a grievous error, by which the interests of the State have been seriously impaired. The formation of a separate land office, for the disposal of the State lands, was a useless expense—the State Land Office could have transacted all the business required without cost to the University. The delay which has ensued in the formation of a College of Mining and Mechanic Arts, and providing a building therefor, to the present time, shows a want of sympathy for such a course of education, which, in our opinion, was undoubtedly the great object which the State had in view when she founded the institution. We are, therefore, of the opinion that the interest on the grant from the United States to the University, should be appropriated by the Board of Regents for the purpose of paying instructors and incidental expenses in the departments of agricultural, mechanic arts, and mining; and, in case said money is more than sufficient, that all accumulations of said sums be invested for the benefit of these colleges, in accordance with the provisions of the grant of Congress.

M. J. DONOVAN,
Chairman Senate Committee.
G. N. CORNWELL,
Chairman Assembly Committee.

APPENDIX.

NAPA STATE ASYLUM FOR THE INSANE.

The Senate Committee on Public Buildings and Grounds met in Napa, in the office of the asylum, on Tuesday, January eleventh, eighteen hundred and seventy-six, at ten o'clock A. M. Present—Senators Donovan, Beazell, Evans, Hill, and Spencer. Absent—Senators Nunan and Haymond.

The Board of Directors were represented by Messrs. Hartson, Sterling, and Doble. Absent—Messrs. Goodman and Jewett. The following named gentlemen were also present: Messrs. Wright, of the firm of Wright & Sanders, architects of said building, and Ewing & Mayberry, contractors.

The Chairman, Senator Donovan, inquired of the Directors if they were prepared to report, and in reply Mr. Hartson stated that, owing to the absence of the contracts and other official papers, which were delivered to the Assembly Committee on Public Buildings and Grounds, they were unable to do so, but on the return of said papers they would immediately do so.

Senator Hill asked if the committee would now proceed to examine into the question of the water supply. It was then determined to first examine the structure, and meet in the office of Mr. Hartson, in Napa, where the books and documents were filed. The committee then adjourned to meet at said office at three o'clock P. M., and the members proceeded to examine the structure, under the guidance of Mr. Wright.

Committee met pursuant to adjournment at three o'clock P. M., at the office of Mr. Hartson. Present—Senators Donovan, Beazell, Evans, Hill, Spencer, and Bush, of the Committee on Hospitals.

The question of water supply was then taken up, and Mr. Sterling, of the Board of Directors, presented the following report:

To the Honorable the Board of Directors of the Napa State Asylum for the Insane:

GENTLEMEN: Pursuant to a resolution of your Board, passed June seventeenth, eighteen hundred and seventy-five, I beg leave to submit the following report: In company with Surveyor Deewoody, I have examined the source of the water supply for the asylum, and refer you to the maps accompanying this report, showing the ownership of the land through which the creek runs. I also attach copy of agreement between Henry Kruse and Nathan Coombs. On examination I am convinced that the place selected by Calvin Brown, Esq., for the upper dam, or reservoir, is by far the best. The land sufficient for the purpose should be purchased by the State, as the location is directly on the line between Nathan Coombs and Henry Kruse. The land above Mr. Kruse belongs to the estate of C. D. P. Weeks, and should also be purchased, as there are two good springs adjacent to the line of Mr. Kruse, and within a short distance on

each side of the creek, and by proper management could be made to considerably increase the supply of water. The whole property of Weeks was appraised at six hundred dollars, which is small, in comparison to the benefits to be derived from the use of the water.

All of which is respectfully submitted,

NAPA, October 21st, 1875.

R. H. STERLING.

Accompanying the above report was a diagram of part of township five north, range three west, Mount Diablo meridian, showing the location of the creek from which the water is taken to supply the Insane Asylum.

COPY OF AGREEMENT BETWEEN HENRY KRUSE AND NATHAN COOMBS.

This indenture, made this twenty-third day of September, A. D. eighteen hundred and seventy-two, between Henry Kruse, of the County of Napa, and State of California, party of the first part, and Nathan Coombs, of the same place, of the second part, witnesseth: that whereas, the said Coombs is about to construct a dam on the Unayomi Creek, on his own land; and whereas, the construction of said dam will overflow the land of said party of the first part, situated on both sides of the said creek.

Now, therefore, in consideration of the sum of one dollar, to me in hand paid, the receipt of which I hereby acknowledge, I hereby grant, bargain, sell, and convey unto said party of the second part, the right and easement of so overflowing said land belonging to me as he may find necessary, with full ingress and egress to and from the same at all times, but it is expressly understood that this right shall not be construed as conveying to said Coombs the fee of the land so overflowed, or to restrict in any manner the use of the water above said dam.

The following bond from Nathan Coombs was then read:

COPY OF BOND.

Know all men by these presents: That I, Nathan Coombs, of the County of Napa, and State of California, am held and firmly bound unto the State of California in the sum of twenty thousand dollars, lawful money of the United States, to be paid to said State, as fixed, certain ascertained and liquidated damages, for which payment well and truly to be made, I bind myself, my heirs, executors, and assigns, firmly by these presents. Given under my hand, and sealed with my seal, at Napa City, in said County of Napa, on this twenty-fifth day of July, A. D. eighteen hundred and seventy-two.

Whereas, the above bounden Nathan Coombs has this day agreed to convey unto the said State of California the rights, privileges, and immunities hereinafter described, for which the said State has agreed to pay him the price of one dollar, in United States gold coin; and whereas, the said State has paid unto the said Nathan Coombs the sum of one dollar (the receipt of which is hereby acknowledged) as a consideration for the execution of this instrument. Now, the considerations of this obligation are such, that if the above bounden Nathan Coombs, his heirs or assigns, shall, on or before the thirtieth day of January, A. D. eighteen hundred and seventy-three, make, execute, and deliver unto the said State a good and sufficient conveyance, or instrument in writing, under seal, which shall be effectual to convey to said State the right to enter upon and take, and forever to keep possession of, so much of the premises hereinafter particularly described as may be necessary for the purpose of taking and appropriating to the use of the State Asylum for the Insane, about to be erected by said State upon lands adjoining or near to the lands hereinafter described, such quantity of water as may be deemed necessary by the said State or its agents, for the use of said asylum and all the outbuildings and grounds belonging thereto or connected therewith; and also the right to erect and perpetually maintain thereon any and all such works as said State or its agents may deem necessary to collect a quantity of water sufficient for the purposes of this grant, and to conduct the same from any part of said hereinafter described premises to any and all parts of said asylum, or to any of the outbuildings or grounds connected therewith or belonging thereto; and also the right perpetually to take from said hereinafter described premises all the water which said State or its agents may at any time deem necessary for any and all the uses and purposes of said asylum and the buildings and grounds belonging thereto or connected therewith. It is hereby understood that the said Coombs, his heirs and assigns, shall have the right to take from said works and pipes, or either of them, and at such places as he or they may select, any excess of water above and beside what is required for the purposes of the asylum and grounds as aforesaid. The said State, by its respective agents, alone to determine when there is any excess.

And it is hereby further understood, that whenever said State ceases to use the water and works aforesaid for said asylum and its grounds and outbuildings, then the rights herein expressed, and so to be secured to said State as aforesaid shall cease, and shall revert to said Coombs, his heirs and assigns, forever. And further, that if the said State of California shall fail to pay to said Coombs, his heirs or assigns, on or before the execution of said written instrument or conveyance, the sum of one dollar in United States gold coin, being the purchase price

agreed upon as aforesaid, then this obligation shall become void, otherwise to remain in full force and effect.

The lands herein referred to, and upon which said works are to be erected, and from which said water is to be taken, are particularly described as follows, to wit: Lots one (1) and two (2) of the southwest quarter of section eighteen (18), township five (5) north, range three (3) west, and the southeast quarter and the east half of the southwest quarter of section thirteen (13), township five (5) north, range four (4) west, Mount Diablo base and meridian.

Given under my hand and seal at Napa City, County of Napa, State of California, this twenty-fifth day of July, A. D., eighteen hundred and seventy-two.

[SEAL.]

N. COOMBS.

Signed, sealed, and delivered in presence of J. H. Honland.

Recorded at request of W. C. Watson, December twenty-fourth, A. D. eighteen hundred and seventy-four, at thirty minutes past eight o'clock A. M., in Book C, Miscellaneous, on page four hundred and seventy-five, Napa County records.

E. B. SEELY, County Recorder.

By JOHN KRAV, Deputy.

Mr. Hartson, of the Board of Directors, stated, that acting under the authority of the Board, Mr. Goodman, one of the Directors, had requested of Mr. Coombs a deed in accordance with the foregoing bond, which request or demand was refused by said Coombs, he alleging the State had already all it required.

A desultory conversation ensued as to the nature of the instrument signed by Coombs, between Mr. Hartson and Senator Evans.

Mr. Hartson was then sworn and made the following statement:

The Directors, Messrs. C. H. Hartson, J. H. Goodman, and R. H. Sterling, appointed to serve for two years, all being residents of Napa, and J. H. Jewett, of Marysville, and Dr. J. F. Morse, of San Francisco, met and organized on the thirteenth day of September, eighteen hundred and seventy-two, by electing Dr. J. F. Morse as President, J. H. Goodman, as Vice President, and W. C. Watson, as Treasurer and ex officio Secretary, and resolved to advertise for plans and specifications for an asylum, offering premiums of one thousand five hundred dollars for the first, one thousand dollars for the second, and five hundred dollars for the third best plan, stipulating that said structure should accommodate five hundred patients, and should not exceed in cost six hundred thousand dollars. On the sixteenth of January, eighteen hundred and seventy-three, plans were submitted by Messrs. Wright & Sanders, J. Gosling, Bugbee & Sons, A. F. Eisen, Corlett & Johnson, and J. J. Newsom. Of the designs submitted, two of the Board favored those of Wright & Sanders, one favored that of Bugbee & Sons, one that of Eisen, and Mr. Jewett, of Marysville, had no preference. The Board were divided. Under the statute we had not the right to determine finally on the plans to be adopted, but had to submit them to a Board consisting of the Governor (Booth), and Doctors Shurtleff, of Stockton, and Wilkins, of Marysville. As we were satisfied that the doctors were better acquainted with the kind of building required for such a purpose, we concluded to defer to their judgment. A council was called and all the plans were submitted to the additional or consulting Board, and after lengthened examination, the doctors reported in favor of the plans submitted by Messrs. Wright & Sanders. The Governor (Booth), admired the design but dissented from the doctors on the ground of cost, insisting on the fact that such a plan could not be built for less than one million dollars. The doctors insisted in its favor and their decision was ratified by the Board unanimously. Following this action an examination was had and the Board became satisfied it could be erected for six hundred thousand dollars, and took a bond from Wright & Sanders.

that such would be the case, and the bond was committed to the care of Dr. Morse. We then let one contract to John Cochrane, for the foundation. Then, not having money to finish any considerable portion of the building, we advertised for proposals for the several items of the building separately, and before letting these contracts we submitted them to the Legislature, especially the Senate committee. The design for which the contracts were required is the same as constructed, with the exception of the rear buildings and outside walls. The Senate committee reported as follows: [See report in Appendix of the Twentieth Session, vol. 6, signed Thomas Beck, etc.] After a careful consideration the contracts were let and strict care was taken as to the interest of the State. The conclusions of the Board were unanimous, and the doctors expressed an unconditional preference for the plans.

Q.—What was the limit of cost originally?

A.—Six hundred thousand dollars.

Q.—With the appropriation of six hundred thousand dollars in addition to the original appropriation of two hundred and eighty-seven thousand dollars, will there be an excess?

A.—I don't know.

Q.—Did not your Board take the trouble to satisfy yourselves that the appropriation would not be exceeded?

A.—We did the best we could for the State, and supposed the plans could be carried out for the amount named. The price of labor, lumber, lime and cement was higher than when we first estimated the cost.

Mr. WRIGHT (architect), sworn.

Question—Business?

Answer—Architect.

Q.—State what you know in reference to the building.

A.—The Board of Directors required plans for the building, to be constructed in the same manner as the Stockton Asylum. We put in a plan in accordance therewith, and which could be constructed for that sum; and the Board did not accept our design until they were satisfied it could be done for the amount specified. They had estimates on the cost, and it came within the amount named. I gave a bond for the guarantee of the work being done within the amount named, and have been released from it in consequence of the changes. The original design contemplated a rubble-stone foundation; but on the suggestion of Dr. Shurtleff, of Stockton, pressed brick being substituted for rough, it became necessary to have coursed work—and it was so decided—and top it out with granite string course; and as the quarry did not give suitable stone for sills, they were changed to granite, and an extra price allowed. Estimates were taken as to the difference in cost between rough brick and pressed brick and Frear stone trimmings, and submitted to the committees of the last Legislature and approved by them. The original cornice was to be wood; it is now galvanized iron. The roof was to be the same as now in use. The internal walls were thickened for the purpose of admitting ventilating flues. The wrought iron bond (Fay's patent) was not included in the original estimates. Galvanized iron ridge-ventilators, not in the original plan; wood work to be of redwood—that used is of Port Orford cedar; plastering, no change; glazing, no change; a small change made in plan of building; out-offices, some changes.

Q.—What was your idea in changing from redwood to Port Orford cedar?

A.—Dr. Wilkins wanted it, and I agreed with him.

Q.—Would it not be as well to have rough brick as pressed?

A.—For a building of this class pressed is better, as they are not so porous and the walls are not furled. Though they are hollow, yet damp would come in through the headers. They are better—

Q.—How would it be if of rough brick and cemented?

A.—Not as good as pressed brick, as it would require to be painted, and that is not so good.

Q.—Have you not seen rough buildings last a century?

A.—Yes.

Q.—Would not that style of building do?

A.—No; the bricks are too porous.

Q.—What is the difference in lumber now and then?

A.—None.

Q.—What in artificial stone?

A.—None.

Q.—What in carpenters' work, including lumber?

A.—None.

Q.—What in wrought and cast iron work?

A.—None.

Q.—What in plumbing and gas-fitting?

A.—They raised a little, about two thousand dollars.

Q.—What in plastering?

A.—It raised a little, being let during the erection of the Palace Hotel. My estimate was nineteen thousand dollars, Fisher's bid. The painting and glazing is higher than my estimate, which was twenty-five thousand dollars, let for twenty-seven thousand dollars, increase of duty being the cause of the rise.

Chairman Donovan stated that the price of these articles had fallen ten per cent.

Q.—What in galvanized iron work?

A.—None.

Q.—What in slates?

A.—A little, from damage.

Q.—What in pine and hardwood floors?

A.—None.

Q.—In granite work?

A.—None.

Q.—Encaustic tiling?

A.—None.

Q.—What in marble mantels?

A.—None.

Mr. Evans—The mantels we saw are artificial, are they not?

A.—Yes.

Q.—What was the cost per mantel?

A.—Fifty dollars.

Q.—I saw in your report five thousand dollars for mantels. That would give a cost price over eighty-three dollars?

A.—That was for a superior article; these are not.

Q.—Any increase in cost of lime or cement?

A.—No. In my estimates for slate there may be a change, as the breakage sometimes is one-fourth of the whole. The door furniture will not be more than my estimate.

Motion by Senator Hill to adjourn until seven o'clock, it being then near six o'clock p. m. General Evans was excused from further attendance.

Meeting called to order by the Chairman. Present—Senators Donovan, Bezzell, Hill, and Spencer.

W. C. WATSON, sworn:

Question—What is your position?

Answer—I am Treasurer and ex officio Secretary of the Board of Directors of the Napa State Asylum.

Q.—How much money have you received from the State?

A.—It will take some time to make up the account, but I will prepare a statement.

The Chairman requested such statement to be forwarded to Sacramento, addressed to the Senate Committee on Public Buildings and Grounds, to be forwarded within a week.

Q.—Do you know anything about advertising for the plans for the asylum?

A.—I can tell by reference to the minutes. [Reads the minutes of the meeting October nineteenth, eighteen hundred and seventy-two.] The notice was printed in the *Napa Register*, *Sacramento Union*, and *San Francisco Bulletin*.

Q.—Do you know of the printed instructions, or have you a copy of them?

A.—I have, and will procure one.

Q.—Were you present when the plans were adopted?

A.—I was present when they were submitted. [Reads the minutes of the meeting of January twenty-third, eighteen hundred and seventy-three, in which the plans were placed in the hands of the President for valuation, and estimates were received from Messrs. Ewing and Farrell, as follows:]

EWING'S ESTIMATE.

For labor and materials, as per plans, excavations, drains, and asphaltum work	\$11,740 00
Rubble stone work	34,500 00
Brick work	194,350 00
Stone	17,100 00
Wrought iron	16,320 00
Carpenters' work, lumber, painting, and glazing	153,178 00
Plastering and deafening	21,238 00
Slating and metal work for roof	26,130 00
Wrought iron for vanes	1,720 00
Galvanized iron cornice	30,130 00
Elevators, tubes, bells, etc.	8,229 00
Engine work and steam work	18,400 00
Denit arching, setting, etc.	2,500 00
Total	\$550,276 00

FARRELL'S ESTIMATE.

Excavating, rubble stone, brick work, drains	\$260,550 00
Plastering and deafening	20,620 00
Carpenters' work, lumber, hardware, doors, windows, painting, and glazing, etc.	151,012 00
Tinsmith, slating, galvanized cornice	61,304 00
Boiler, engine, gas-pipes, steam-fixtures, plumbing, water-tanks	27,138 00
Tiling, denit, and wrought iron work	14,384 00
Elevators, mantels, asphaltum work, ovens, etc.	10,452 00
Total	\$563,908 00

Estimates received February eleventh, eighteen hundred and seventy-three.

Q.—Were you present when the plans were changed?

A.—Yes.

Q.—Did they discuss the law making it a misdemeanor to exceed the appropriation?

A.—I do not know about that portion of it.

Q.—Did they ever read the law about the invalidity of the contracts exceeding the appropriation?

A.—No; there was a good deal of difficulty in getting the money.

Q.—Did you receive the money or warrants, as the law provided?

A.—Yes.

Q.—If the building had been built under the law, would it not be finished long ago?

A.—I do not think it would.

Q.—Has the money been all received to the amount of six hundred thousand dollars, and when did you receive the last warrants; and did you receive the money or warrants before the first of September, eighteen hundred and seventy-five?

A.—I cannot give a positive answer now.

Q.—Did you receive all the warrants?

A.—Yes.

Q.—Has there been any time when there was no quorum of the Board of Directors?

A.—No; they held office until their successors qualified.

Q.—Do you know of Calvin Brown?

A.—He reported to the Board on water source.

Q.—Have you the original plans and specifications on file?

A.—Yes. [Opens vault and produces specifications of foundations.]

A.—I want the original plans and specifications.

A.—I will get them from Mr. Wright, and give them to you.

Mr. Hartson—Has the full amount of money or warrants been drawn?

A.—No, sir.

Q.—Has there been any money received for the equipment of the building?

A.—No, sir.

Q.—Has there been any money received to carry on the asylum—that is, paying the expenses of employes, etc.

A.—No, sir.

Q.—From what fund, so far, have those expenses been paid?

A.—From the construction fund.

Q.—About how much is yet to be received.

A.—About forty thousand dollars, less the interest.

Q.—Has there been any difficulty in getting money?

A.—Yes, sir; the Board pledged their individual note for forty-five thousand dollars; they signed a note for fifty thousand dollars.

Q.—Has the State honored any warrants since July?

A.—Not that I am aware of; they are out of my possession now.

Q.—Has an effort been made to draw money to pay for the equipment and running expenses?

A.—A requisition has been made for supplies and for five thousand dollars for the improvement of the grounds.

Mr. Hill—Was there a separate appropriation for those purposes?

A.—I so understood it.

Mr. Donovan—Did you hypothecate warrants?

A.—Mr. Goodman did, by authority of the Board—he did borrow

money from the Clay Street Savings Bank and Tillinghast, and paid interest for the same.

Q.—Did the Board examine the law on their authority to do so.

A.—Do not remember.

Q.—Did they sell warrants for less than their face?

A.—No, sir.

Q.—Have you read the contracts?

A.—I have.

Q.—Do they call for coin; do they specify they were to be paid as they were received?

A.—They were to be paid monthly.

Q.—How much interest has been paid?

A.—I shall give you a statement.

Q.—Did the Board pay interest on fifty thousand dollars, or forty-five thousand dollars?

A.—On forty-five thousand dollars.

ROBERT EWING (business contractor) sworn.

Question—Were you a contractor on the building?

Answer—Yes, sir.

Q.—Did you make an estimate on the original plans?

A.—Yes, sir.

Q.—Would you be content to take it at your figures?

A.—Yes, sir.

Q.—You took a subsequent contract?

A.—Yes, sir.

Q.—Did you find sufficient water for your purpose?

A.—During last summer we had to flume the dam.

Q.—Did the water belong to the State?

A.—I so understood it.

Q.—Did you pay for the water?

A.—I paid twenty dollars per month?

Q.—Did you have to pay because of insufficiency of supply?

A.—Yes, sir.

Q.—Were you informed that sufficient would be furnished?

A.—Yes, sir.

Q.—That was not the case?

A.—It was short in May and June.

Q.—How many elevators were you using?

A.—One.

Mr. Hartson—For what purpose was the water used?

A.—For mixing mortar, wetting brick, artificial stone, and running elevator, and making brick, and cooking. We used about twenty thousand gallons per day.

Q.—Do you know the cause of the failure?

A.—Some parties were using it for irrigation, and I paid Kruse, or his wife, for the use of it.

Mr. Spencer—How many gallons per day does it supply in dry weather?

A.—About twenty thousand gallons.

Mr. Hartson—Did he turn it from its natural channel?

A.—Yes.

Q.—Was the water, when turned, in its natural channel?

A.—Yes.

Q.—How much less than twenty thousand gallons did you get when it was turned off?

A.—I could not run the elevator.

Q.—How much does it take to do that?

A.—About eight thousand gallons.

Q.—Was there a sufficient quantity for all other purposes?

A.—No, sir.

Q.—How many barrels of lime did you use?

A.—Forty barrels per day.

Q.—How many gallons to the barrel did you use?

A.—About one hundred and twenty gallons.

Q.—Do you know of other parties using it?

A.—The water was used for culinary and other use.

Q.—Were you on the land where this irrigation occurred?

A.—I was not; Mr. Leibert was, and made the arrangements with the owner.

Q.—Is there a good opportunity for a reservoir?

A.—There is.

R. H. STERLING, sworn.

Am a Director of the asylum.

Question—Were you so when the plans were adopted.

Answer—I was.

Q.—Why did you not carry out the contract according to the original plans and specifications?

A.—I cannot collect myself now.

Q.—Did you change the original specification?

A.—I forget.

Q.—Do you remember changing the character of the stone work?

A.—I do.

Q.—Why did you do it?

A.—I forget the reason, but presume it was considered to the advantage of the State.

Q.—Did you know it was going to exceed the appropriation?

A.—We understood it to keep within it.

Q.—Did you not know the change involved additional cost?

A.—We supposed we could do so and keep within six hundred thousand dollars.

Q.—Was it not said by the Governor that it was barely possible to keep within the appropriation?

A.—It was, until Ewing's and Farrell's bids.

Q.—Did those estimates convey the impression that you could put on more expense and still be within six hundred thousand dollars?

A.—Yes, sir.

Q.—Did you inquire the cost of alterations?

A.—I do not recollect now.

Q.—Did you get the detail of cost?

A.—I presume so. The architect always explained.

Q.—If he did so would it not be of record?

A.—I think not. The cost was discussed and alterations recorded.

Q.—Did you make any record of difference of cost?

A.—We did not.

Q.—Did you know the difference in cost as the work progressed?

A.—We did, but did not make it of record.

Q.—When you changed from rough brick to pressed brick and Frear stone did you know the difference in cost?

A.—We did.

Q.—When you built the foundations did you not know the building would exceed the appropriation?

A.—We did not.

Q.—When the changes were made did you not figure them up and find out the sum total?

A.—Did not know they would exceed the six hundred thousand dollars.

Q.—Did you not know when you made contracts in excess of six hundred thousand dollars they were void?

A.—Not until to-day.

Q.—Did you sell or hypothecate warrants?

A.—We hypothecated.

Q.—Are you a lawyer?

A.—No, sir.

Q.—Did you have the opinion of a lawyer on your power to hypothecate?

A.—I think not.

Q.—Is there a lawyer on your Board?

A.—Yes.

Q.—Did he interpret the law?

A.—At times, yes.

Q.—Did he, at any time, say you could hypothecate and pay interest out of State moneys?

A.—I took it for granted we could. The question never came up.

Q.—When appointed did you inform yourself as to your duties?

A.—I did, by reading the law.

Q.—Did you read it carefully?

A.—I did.

Q.—Explain to the committee how you overlooked the section making it a misdemeanor?

A.—We did not intend to evade the law.

Q.—Did you see that section?

A.—I did.

Q.—When did you find out you were going to exceed the appropriation?

A.—This fall; I cannot tell the exact date.

Q.—Can you say how much it exceeds the appropriation?

A.—About thirty thousand dollars, according to our accounts.

Q.—Do you know it will exceed one hundred thousand dollars?

A.—I do not—that is, the building.

Q.—Were you one of the members whose term expired in two years?

A.—Yes.

Q.—Was there an intermission in your terms?

A.—Yes; three or four months.

Q.—About the time your term was expiring, did you receive any intimation from the Governor or any one else that Dr. Bentley was to be the Superintending Physician?

A.—From street rumor.

Q.—Was it intimated that you would not be appointed unless you appointed Dr. Bentley?

A.—No.

Q.—Was it not understood in your Board that Dr. Wilkins was to have that position?

A.—I know he was an applicant, but don't know that to be the case.

Q.—You took a bond from Mr. Wright that it would be built for six hundred thousand dollars?

A.—Yes.

Q.—When the specifications were changed, did you not know that it was void?

A.—I do not recollect that now.

Q.—Did you think the bond would be good if you made the building more expensive?

A.—Never expected that it would exceed six hundred thousand dollars.

C. HARTSON, sworn.

Mr. Donovan—When you were appointed one of the members of the Board, did you read the law?

Answer—I did.

Q.—Did you notice sections three and four.

A.—I did.

Q.—Do you find anything in the law that gave you authority to hypothecate warrants or pay interest on warrants?

A.—I consulted the State Treasurer in reference to obtaining money when there was none in the treasury, and if there was not some fund to supply us until the time of payment, as the necessity of proceeding with the building was great. There was generally no money in the treasury to pay the warrants, and we were compelled to borrow or stop the work. He informed me that in such cases it was the practice to hypothecate at a low rate of interest as possible, and that there was no fund in the treasury from which we could borrow. I learned from him that it was the practice in Stockton, and I think the last report says that it is the practice. We raised money on our own note. I borrowed the money to pay for the land, one of the parties interested saying if not paid by a certain day he would annul the contract of sale. No interest was paid for that money, and we knew no other way except by hypothecation to continue the work on the asylum, and we borrowed that money as cheap as possible. Had we not done so, the work would have stopped. At no time were we in advance of the warrants, according to my present recollection; but so far as I now recollect, the building was in advance of the money provided.

Q.—As a law proposition, was it not illegal to borrow money?

A.—No, sir; it was a uniform practice. I knew we were personally responsible for our acts, and none of us had a doubt as to the propriety and necessity of our course, provided we continued the work on the building. After the law of eighteen hundred and seventy-three-four passed, there was neither time to construct nor money to pay for that building. The failure to complete one section of the asylum for the reception of two hundred patients was made a misdemeanor; to complete the section referred to, on the first day of November, eighteen hundred and seventy-four, after the passage of the bill, there was no time to do it, nor money to pay for it.

Q.—After knowing that you had to commit a misdemeanor, did you continue to act as a Director?

A.—I was a Director when the law passed, and continued so for this reason: in the first place, resignation did not absolve me from the force of the law, as I was a Director when it passed. In the second place, I did not and could not see that my resignation would cure the difficulty, or in any respect subserve the interests of the State.

Q.—When first appointed, you adopted Mr. Wright's plans, which could be constructed for the appropriation?

A.—At the time of the adoption of the plans, suggestions of changes were made by Dr. Wilkins and Dr. Morse. The specifications were changed from redwood to cedar. The specifications were considered conclusive as adopted, and various improvements were suggested by Doctors Shurtleff and Wilkins, one of which was the change mentioned, as it was not considered that redwood, for internal finish, was so good as cedar, owing to its liability to sliver and injure the patient; it was not durable for that purpose.

Q.—Was it not the law that you should not exceed six hundred thousand dollars, and did you not exact a bond from Mr. Wright that it should not exceed that amount?

A.—No, sir; it was not the law. There was no limit to the cost at that time. I was in the East at the time, but the bond was given.

Q.—Were you present when it was decided to change from burnt brick to pressed brick?

A.—I was probably present when any change was made affecting the foundations. I only recollect one; it is now nearly three years since—and that was the substitution of granite water-table in place of the stone quarried on the ground. Mr. Cochrane had the contract for the foundations. Before making it he, with some of the Directors, visited the quarry, and from the croppings he and the Directors were of the opinion that stone, proper for the water-table, might be obtained from the quarry without great difficulty. In working the quarry, the stone instead of improving deteriorated in quality, and fitting stone could not be obtained, consequently it was changed to granite, and we have no doubt of the propriety of the change.

Q.—Did you not know when the changes were made that the bond was vitiated?

A.—In the first place the changes were recommended by Mr. Wright; in the next place the difference was ascertained and fixed with his approval.

Q.—With all these changes that have been made, do you still think that the bond is good?

A.—I have no doubt that the bond was good until the passage of the Act of March twenty-fourth, eighteen hundred and seventy-four; and when the Legislature appropriated eight hundred and fifty thousand dollars to construct the building a new system was inaugurated, entirely relieving the Directors, in section three of said Act, from any irregularity, or supposed irregularity, occurring previous to that date, and directing the Board to proceed with the present plans and existing contracts, and to build that structure in conformity thereto. So far as it was possible we complied with the law.

Mr. WRIGHT, recalled.

Question—Did your original plans, etc., include the laying out of the grounds?

Answer—No, sir.

Q.—Was the original main entrance as costly as now?

A.—It was the same design in wood.

Q.—Who made the change?

A.—It was made at the time of changing from rough to pressed brick.

Q.—Who suggested the change?

A.—I don't remember.

Q.—Is it better?

A.—Certainly; much better.

Q.—How long would wood last?

A.—About fifteen or twenty years.

Q.—If made of brick, would it not last as long as Frear stone?

A.—I don't think it would, and further, it could not be constructed of rough brick and cement for what it has at present cost.

Q.—Does not the use of Frear stone, used as it is in the pressed brick, cost more?

A.—Very little more; it cost fifty cents per cubic foot.

Q.—Was there cast iron in your first plans?

A.—Yes; not so much as at present.

Q.—How much money will it take over the six hundred thousand dollars to complete all?

A.—My report will give that information.

Q.—When you put in your plan, the work was to be as good as that now done in rough brick?

A.—No, sir. Our model was the Stockton Asylum, that is, the new portion, and that work is inferior to the work done here. My report and supplement will cover all the expenses for the completion of the entire buildings, but does not include the laying out of the grounds, fencing, and roads.

Q.—Did you make an estimate for that purpose?

A.—Yes, sir.

Mr. Hill—How much ground does the State own?

A.—Two hundred and eight acres.

Q.—You state the wood porch would last fifteen or twenty years; how long will the present one last?

A.—Two hundred years.

Q.—What reason did Dr. Shurtleff give for the use of pressed brick?

A.—At Stockton, the cement fell from the walls, the water penetrated and made the inside damp.

Q.—Is the Stockton Asylum a model of comfort and durability?

A.—No, sir; it is not. It is deficient in plan, design, and construction.

Q.—If the Legislature had not accepted and adopted the improvements, would it have been proper or necessary to have the last appropriation as large as six hundred thousand dollars?

A.—It would not, sir.

It being now eleven o'clock P. M., the committee adjourned to meet at the call of the President.

SYNOPSIS OF THE REPORT OF CALVIN BROWN, CIVIL ENGINEER,

On the water supply, and the best means of utilizing the same; made to the Board of Directors of the State Insane Asylum, at Napa, and dated September twenty-fifth, eighteen hundred and seventy-two.

GENTLEMEN: In accordance with your request, I have undertaken an examination of the creek by which it is proposed to procure a supply of water for the State Insane Asylum to be erected at Napa, and herewith submit a statement of its results—the surveys of the locality,

and the gauging of the stream having been done under my direction, by my son, Mr. E. P. Brown. The quality of the water is of undoubted purity and salubrity for drinking purposes, etc.; source, a high mountain region, and flows over a gravelly soil, etc. The quantity now running in this, the dry season of the year, is forty-six thousand gallons per day. The dimensions of the water-shed which drains into the creek indicate a large flow of water during the rainy season, and which, by proper dams and reservoirs, may be stored to any required extent; thus enlarging the supply for consumption beyond the minimum daily discharge, as it may be wanted. The portion of the creek where the required head-works should be built is about one and five-eighths miles from the asylum, inclosed in a deep cañon, with a fall of one in six for about eight hundred and fifty feet, taking this distance from the mouth of the cañon, at the point called the "Cascade" to the position up the creek, where the first good site for a reservoir dam can be built, it being observed that the narrowness of the cañon, and the rapid slope of the bed of the creek, precludes the possibility of building within these two points. The first position suitable, is three hundred and twenty-three feet down the creek from Mr. Coomb's boundary—the cañon widening for reservoir purposes. A dam here thirty feet high will flow back six hundred feet by an average width of one hundred and fifty feet; depth twenty feet; giving a storing capacity of fourteen million gallons, which will afford thirty-five thousand gallons in addition to the amount flowing in the creek in dry weather. The dam will contain seven hundred and fifty cubic yards of masonry, and the stone can be found in the vicinity. It ought not to cost over six thousand dollars. The flow of water caused by this work, at its full height of thirty feet, will extend two hundred and ninety feet beyond Coombs' line. It is presumed the privilege of flowage can be obtained. The peculiar character of the creek makes it a conduit to the cascade for eight hundred and fifty feet. The penstock will not cost over four hundred and fifty dollars, the dam to be ten feet high. From penstock to dam, fall two hundred and ten feet. Reservoir useful for clearing the water and additional storage. Conduit, from penstock to asylum, to be sheet-iron pipe, varied according to pressure—cost, two dollars and fifty cents per foot.

BEFORE ASSEMBLY COMMITTEE.

NAPA, December 21st, 1875.

Present—Cornwell, Broderick, Bagge, Blackwell, Clunie, Jones, and Lambourn.

NATHAN COOMBS, SWORN.

Mr. Clunie—Where do you reside?

Answer—Here.

Q.—How long have you resided here?

A.—Twenty years.

Q.—Do you know anything at all about the purchase of this ground by the State, or the conditions?

A.—Nothing more than common report—what was generally reported at the time.

Q.—Did you have anything to do with the sale of the land. You never had any conversations with the Commissioners in regard to it?

A.—Yes, sir.

Q.—What was the time?

A.—When they were locating they asked my opinion as to the value of the land—what its value was—that was about all I was called upon to answer. They had not, at that time, made any selection, but they were making an estimate with a view to see what different locations would cost. Purchase was made from the man who owns the land. I was not employed by him nor his agent. We were simply showing the Commissioners the different locations where the buildings might have been laid out. There was one of my own there. It was with a view to assist them in making a good location, and try and bring the same as low as it could be purchased by private parties.

Q.—What was your object, Mr. Coombs?

A.—Well, my object was to try and induce them to locate the building here. At that time they did not agree upon a site, but afterwards they did.

Q.—Finally they selected this here?

A.—Yes, sir. They had asked me about what that land ought to be worth in the market.

Q.—Did you give them a price?

A.—I did—sixty dollars.

Q.—What time was that?

A.—I could not give you the date—the further part of spring, or summer—June, perhaps.

Q.—What year?

A.—I really could not say, sir.

Q.—Eighteen hundred and seventy-two?

A.—Yes, sir.

Q.—Were you present when they decided to take that piece of land?

A.—No, sir.

Q.—Did you know that they had decided to take the present site?

A.—No, sir.

Q.—Had you any conversations with them about the water privileges?

A.—Yes, sir. That would be the inducement, of course—the water belonging to me and the land to the other parties. The proposition I made them was, that I would give them the water, provided they would make their location upon that tract of land. I said that anything I can do to make an inducement to them I would.

Q.—Reserving the privilege and use of the water. That proposition of yours was made with the understanding they were to select this, or some other piece of land in the vicinity?

A.—Yes, sir.

Q.—They did select a tract of land adjacent to where your water was?

A.—Yes, sir.

Q.—What if any difficulty has arisen in regard to this water privilege?

A.—How, sir?

Q.—You are still adhering to your agreement?

A.—Yes, sir. I will state, however, that while I was East some of the Board seemed disposed to rescind the privilege given me, and destroy my rights in the water, the effect of which would be, of course, to diminish the value of my property. While I was away the water got very low.

Q.—What special privilege had you?

A.—The privilege of tapping the pipe, sir. The water got very low, and they wanted all the water, and probably more water than they had. If, indeed, they had made any arrangement to retain the water it would have been different, but they had not carried out the plan of water-works laid down. Well, my men were getting no water often for the house, and the cattle were getting no water, and there was an attempt made to tap the pipe. One of the Directors opposed it.

Q.—There was an agreement entered into between you and the Directors—a written agreement?

A.—Yes, sir.

Q.—In your agreement were they to put up a dam, etc.—those water-works of which you have spoken?

A.—No, sir. The agreement we have does not contain that proposition, as I understand it. The agreement was made with the locators, when they were here before they selected the site. All I recollect was, the idea at the time was to make a reservoir, so that when it was dry they would still have a sufficient quantity of water, and not be left without any water.

Q.—What was to be the cost of this? Of course the expense was to be borne by the asylum?

A.—I only learned this from a Director. The cost was to be something less than ten thousand dollars. They simply went to work and made a little fourbay(?). It was too low down, and there was no chance for it to flow back and have any quantity of water.

Q.—Where was the dam to go across?

A.—On a tract of land of mine. The size of the dam was to be two thousand five hundred and thirty feet. It flowed back; went through a tract of land belonging to a man named Kruse. He was not on very good terms with the Board. I was desirous to have the State secure all those rights, so that they could go on with the work and not be hampered. Well, I went to this man, Kruse, and talked with him. I showed him the advantages of having this dam there. I told him he could not sell out for what he was asking; that the State would not pay him much, if anything, for his land. Finally, I got the right from Kruse; he gave me the right to the flow-back—gave me the privilege of overflowing his land. I am ready now to convey that privilege to the State.

Q.—If the State proceeds to fulfill its obligation with you there will be plenty of water?

A.—I certainly think so. A little time ago I said there was no trouble. I wish, now, to tell you gentlemen one thing. I believe at one time there was a resolution passed by the Board asking me to make a fresh obligation. However, I said I will not negotiate with this Board as it is elected. I won't deal with the parties that are in power.

Q.—This reservation of your rights is embodied in your instrument?

A.—I don't know whether it is or not.

Mr. Jones—Do I understand you have a conveyance from Kruse of his water-rights—the right over his land?

A.—Of course.

Q.—As I understand, Mr. Coombs proposes to give the State the right of water, and the right of use of the dam, and to reserve to himself the right to tap the pipes.

A.—Yes, sir; that is about it.

Mr. Clunie—You are willing now to transfer your rights to the State in such a manner as to give them sufficient water to run the asylum?

Mr. Bagge—There is no possibility of changing that water, so as to divert it from that cañon?

A.—No, sir.

Mr. Clunie—Are there any parties owning land above you, higher up on the mountain?

A.—There are no parties that own tracts of land above me. The springs rise on a tract of land that belongs to the Weeks estate. It is on the mountain, and a tract that to buy it would cost but a trifle; in fact, I believe it has been appraised at five hundred dollars. Then, there is another tract of land between it and my part. He (Kruse?)

might want more for it than it is worth. I don't think for your purpose either of those tracts are necessary at this time. But if the State can get them cheap, it might be as well. They would not cost much. The water is bound to come there.

The Chairman—About what distance are these two tracts above you?

A.—About three-quarters of a mile—perhaps a mile. There are families living on these two tracts above me, and another family on the Weeks tract.

Mr. Bagge—I think it will be necessary to secure all that land where the springs are.

Mr. Jones—What price does Kruse want for his tract?

A.—I understand he wants an excessive price. The land is worth but a trifle.

The Chairman—The point is, if he don't get his price, he might go to raising hogs, and foul up this place.

A.—The Board have already had a committee to ascertain what this could be purchased for. By looking over their papers you can find out what has been done.

Mr. Jones—As I understand, the State has a conveyance from you of that portion of the water crossing your land, but not from Kruse?

A.—The conveyance, I believe, was given in place of another one which was to be made subsequently. All that I acquired from Kruse I am ready at any time to make a deed of to the State.

Mr. Clunie—What is the fair value of these two tracts?

A.—I don't know what a fair price would be.

Mr. Broderick—Even if we were to buy that property, don't you think its value would be destroyed by cattle coming there to drink?

A.—I don't think so. I don't think you need to buy but a little.

Q.—You mean merely a portion of the land.

A.—About one hundred and sixty acres. Why, the place where this dam was contemplated to be built is the only place where you can find land enough to make it.

Q.—Well, cattle, sheep and hogs can get at it?

A.—Yes, sir.

Mr. Clunie—Who do you understand ought to be bought out—Weeks?

A.—No, sir; Kruse—though for all practical purposes, I do not see that Kruse or the others can interfere with you. The report of the engineer will show that that was the plan. I don't think the Commissioners located the dam according to the plan of the engineer.

W. C. WATSON, sworn.

Witness states that he is the Secretary of the present Board of Directors of the Napa State Asylum for the Insane, and has been ever since the commencement. The present members of the Board are Messrs. Hartson, Doble, Goodman, Sterling, and Jewett.

Mr. Clunie—You are also Treasurer?

Answer—Yes, sir; ex officio.

Q.—As Treasurer, all moneys derived from the State and for this institution have come into your hands?

A.—All except the original purchase money.

Q.—Will you please turn to your book and show us the amount of money that has come into your hands?

A.—[Reading from book.]

February 7th, 1873	\$15,000 00
March 5th, 1873	13,491 80
May 9th, 1873	6,727 34
July 2d, 1873	15,000 00
August 7th, 1873	15,000 00
October 10th, 1873	15,000 00
October 14th, 1873	5,532 00
December 20th, 1873	4,566 84
January 20th, 1874	15,000 00
February 6th, 1874	45,000 00
March 19th, 1874	30,000 00
May 6th, 1874	25,000 00
May 22d, 1874	15,000 00
July 27th, 1874	7,299 93
July 31st, 1874, sold six tons hay	60 00
August 28th, 1874 borrowed on warrants for \$45,000	40,000 00
September 26th, 1874, borrowed on warrants for \$30,000	27,000 00
October 4th, 1874, borrowed on warrants for \$15,000	14,000 00
November 5th, 1874, borrowed on warrants for \$45,000	30,000 00
November 13th, 1874, on above margin	10,000 00
December 5th, 1874, borrowed on warrants for \$15,000	14,000 00
December 23d, 1874, sale of hay	120 00
December 24th, 1874, borrowed on warrants for \$45,000	15,000 00
January 11th, 1875, warrants as above and \$15,000	35,000 00
January 26th, 1875, borrowed on warrants for \$15,000	10,000 00
February 6th, 1875, part of balance as above	10,000 00
Received from the State	75,000 00
There was a balance on the warrants of \$4,954 72, and exchange was 75 per cent. discount	5,235 97
Balance of warrants, \$14,640 28	
March 30th, 1875, cash	75 00
Then follows \$45,000, which was raised on a note given by the Directors, and which was afterwards paid out of money from the State	45,000 00
June 14th, 1875, received from State treasury	923 99
July 4th, 1875, received on warrants for \$75,000	70,000 00
August 6th, 1875, borrowed on warrants for \$105,000	40,000 00
August 6th, 1875, borrowed on warrants for \$105,000	25,000 00
August 17th, 1875, borrowed on warrants for \$105,000	20,000 00
November 19th, 1875, borrowed on warrants for \$120,000	50,000 00
December 3d, 1875, borrowed on warrants for \$120,000	55,000 00

Which makes in the aggregate what I have received from all sources..... \$833,702 22

Mr. Clunie—How many warrants have you now on hand; and what is the balance due on the warrants?

Mr. Watson was unable to answer.

Q.—What amount of debts do you owe?

Mr. Watson was unable to answer.

Q.—How near do you think you could approximate the amount of indebtedness on the asylum?

A.—I could not do it at all on account of the changes.

Q.—The papers will show the amount of the contracts.

A.—There are no other contracts.

Q.—Have you got a statement of the aggregate expense of the commission up to this time—your salaries?

A.—Yes, sir.

Dr. J. T. Morse	\$440
James H. Goodman	530
J. H. Jewett	906
C. Hartson	518
A. H. Sterling	576
W. C. Watson	1,900

Mr. Doble has not yet been paid. I did not keep an account of the work that was done by the day separate from the contract work.

Q.—Have you got the aggregate amount you have paid out?

A.—Yes, sir.

Q.—That will include the error?

A.—No, sir.

BEFORE SENATE AND ASSEMBLY COMMITTEES.

SACRAMENTO, January 27th, 1876.

JOHN WRIGHT, sworn and examined:

Mr. Cornwell—The first contract entered into by you with Cox & Colby, forty-five thousand five hundred and sixty-two dollars—the report has it one hundred and twenty-eight thousand nine hundred and sixty-six dollars and thirty-two cents?

Answer—Yes; in that is the amount of brick that has been put into the building. In the estimate made there originally for that amount, that estimate included all the brick required for those purposes. What they have been paid is just for the brick that is on the building and those now in the kilns on the ground.

Q.—You contracted for this amount, and then you continued the contract?

A.—We just continued on for the same price.

Q.—Then, here is the Pacific Cement Company; original contract price, nine thousand nine hundred dollars?

A.—They delivered so many barrels of cement more than the contract, which was paid at the same rate.

Q.—In Ewing's contract you included the stone for the building, did you not?

A.—Yes, sir; but afterwards the stone was taken from the contract, and the contract for it given to the Frear Stone Company, by public competition. It exceeds the original contract a few thousand dollars. The amount in Ewing's contract is fifty-five thousand dollars. There are some little changes made, which were necessary. The estimate was sixty-three thousand two hundred and eighty dollars.

Q.—Conlin & Roberts made a contract for the galvanized iron and tin work on the first two stories for three thousand eight hundred and forty dollars, but the report has them paid four thousand two hundred and sixteen dollars?

A.—They did some extra tinsmith work.

Q.—Here is Knapp's original contract, for which he has been paid fifty-seven thousand nine hundred and forty-three dollars. We find, in the Secretary's report of November, he was paid sixty thousand four hundred and ninety-nine dollars and two cents?

A.—He had been paid there on the lime and flooring together, and when the two are added together they both come out correct.

Q.—Mayberry's contract is correct—cast and wrought iron work. The original contract is sixteen thousand eight hundred dollars?

A.—There was a contract let to Goddard for sixteen thousand eight hundred dollars, and there was some extra work done under that which made it nineteen thousand dollars.

Q.—There has been paid, fifteen thousand three hundred and ninety-six dollars and five cents, and the report shows that there is due him eleven thousand one hundred and fifty-eight dollars?

A.—Quite so; that includes the cast-iron work, and the iron doors make by Kittredge & Sims.

Q.—Here is Wilson; his original contract was for thirty-two thousand dollars. He has been paid nineteen thousand one hundred dollars, and the report shows due him, fourteen thousand four hundred dollars?

A.—Yes, sir; making some excess. The work is not finished yet.

Q.—Cox & Warren have been paid twelve thousand three hundred dollars, and fourteen thousand dollars still due. Their contract was twenty-four thousand eight hundred dollars?

A.—That is for some extra work they have done, and I have put in there enough to cover it.

Q.—Noble & Gallagher—their contract is for twenty-seven thousand and fifty-two dollars and twenty-five cents; they have been paid three thousand dollars, and twenty-four thousand five hundred and fifty-two dollars still due?

A.—That is a few hundred dollars in excess.

Q.—Here is this item for slate, for which we have no contract?

A.—The slate is bought for us just as it is required by the Board. We have had three quantities come out, and there is another coming now. The work has been let to Mothersole. I have no statement of how much it costs a thousand.

Q.—Hunter's contract for galvanized-iron work, thirty-seven thousand five hundred and seventy-four dollars?

A.—Let me explain that. That contract was made in currency; but, in making up that statement, I left it in gold, to cover up any extras.

Q.—How about these locks?

A.—There have been a few bought, but none paid for.

Q.—Here is Knapp's contract for lumber, seventeen thousand six hundred and eighteen dollars and thirty-nine cents paid, and eight thousand eight hundred and sixty-six dollars and fifty-five cents reported due?

A.—Yes, sir; this is for the flooring; the other item was for lime and cement, but there was a little of the flooring in it, too.

Q.—R. Bishop's contract, originally for seven thousand four hundred and eighty-five dollars, and three thousand dollars paid, with five thousand dollars reported due?

A.—There have been some extra sills put in the building; we make that estimate to cover the work.

Q.—Now, these encaustic tiles?

A.—That is only an estimate.

Q.—The marble mantels?

A.—A few have been made, but these have been rejected, and no contract has been made for them.

Q.—Well, now, Mr. Wright, how is this committee to know anything concerning these contracts, from this report?

A.—Well, you have the amount of the contract there that has been let; and where there is any increase, I have made an estimate so as to meet that increase. As to how the contracts have been carried out, you have been there to see.

Mr. Lambourn—Then, I understand that the amount, paid and unpaid, in those two lines, is not the amount of the contract?

A.—There are some of those amounts increased by alterations

made in the building, and I have made the estimates to cover such increase.

Q.—Here is one item—Mayberry's, which is not increased?

A.—I have just left Mayberry's contract as it is, because there are some deductions, and I think there will be as many deductions as additions, so the deductions will balance the additions.

Q.—We cannot tell from this statement; we cannot segregate, and tell which is under contract, and which is not?

A.—Oh, yes.

Q.—Encaustic tiles; that is not a contract. How are we to know how to segregate that from this report?

A.—Oh, easily; you see I take it out—

Q.—Yes; but without your explanation, how are we to know; how can we make out by the report which is contracted for and which is not? What we wanted to get was, the work done by contract, and what has not been contracted for, as I understood?

A.—As a general thing to those amounts for which there are contracts the names of the parties are attached; where there is no contract, I have left their names blank.

Mr. Cornwell—Now, as to the improvement of grounds and furniture. Do I understand these elevators to be classified as furniture?

A.—Yes, sir.

Q.—Steam-heating apparatus; that is classified as furniture?

A.—Yes, sir.

Q.—Stone copings for walls and dead-lights; what class of furniture would that Frear stone be in?

A.—That is work on the basement.

Q.—It is not in the building?

A.—Some work that has been added to the basement outside.

Q.—Small bills, six thousand dollars?

A.—Well, there was a lot of small bills; I just added them up from Watson's books.

Q.—Salaries of the Board, Secretary, and Treasurer, etc., also under the head of improvement of grounds and furniture.

A.—You will find that segregated in the Treasurer's report; you will see the amounts by that.

Q.—Does that properly belong there? [Indicating the report of Directors.]

A.—It is contained under that—

Q.—I see it is, but is that its proper place? Furnishing, and salary of employes, premiums on plans, estimate on plans, E. Farrell, advertising, temporary buildings—all this comes under improvement of grounds and furniture—some seventy thousand dollars or eighty thousand dollars, under a wrong heading?

A.—It was first added on there as I took it from the books, not for any intention. I will state that we did not lay anything before the last Legislature, except the contracts proper, for the building.

Q.—Have you ever figured the amount of money necessary to complete that building?

A.—No, sir.

Mr. Lambourn—Do you know how much you are actually in debt at the present time?

A.—That will show it.

Q.—As I understand you, on some of these amounts marked owing, the work is not finished?

A.—No, sir.

Q.—Then we are not in debt for that. Now, this first item, one hundred and eighty-one thousand four hundred and forty-one dollars and thirty cents—is all of this owing by the State?

A.—Yes, sir.

Q.—Then there is one hundred and thirty thousand five hundred and six thousand dollars and seventy-one cents owing too. That is under the head of improvement of grounds, which makes three hundred and eleven thousand nine hundred and forty-seven dollars you are still owing for work under contract?

A.—Yes, sir.

Q.—Those other items that you have segregated, are they contracted for or not?

A.—There has been a contract made for that seven thousand dollars, but it has not been done; but for this twenty thousand dollars there is no contract; and for the drug store furniture, two thousand five hundred dollars, there has been no contract made.

Q.—This item of two thousand and two hundred dollars for clocks and dials, has there been a contract made for that?

A.—There has been a contract for that.

Q.—The following items, seven hundred and fifty dollars, five hundred dollars, two hundred dollars, are they contracted for?

A.—They are also contracted for.

Mr. Cornwell—You gave the Directors a bond for the completion of this building within the appropriation of six hundred thousand dollars. This is the same building—in size?

A.—Yes, sir, exactly; this is the same building—the same, but differently constructed.

Q.—It is the same size?

A.—Yes, sir; I can give you the estimates of increased work; the cost of extra work that I gave to the Board in eighteen hundred and seventy-two. In each section—we divided it into three sections:

Section number one—increased cost estimated at.....	\$133,864 50
Section number two—increased cost estimated at.....	55,626 34
Section number three—increased cost estimated at.....	55,626 34

That was what the cost of the alterations was. Those three items amount to two hundred and forty-five thousand one hundred and nineteen dollars and eighteen cents.

Q.—Do you know, as a fact, why your proposition for constructing it was not accepted?

A.—I cannot say.

Q.—You gave a bond for the construction of it?

A.—The contract was never awarded to me.

Q.—Do you know why it was not awarded to you; were there any reasons assigned by the Board?

A.—I never heard of any.

Mr. Lambourn—As I understand, you simply gave a bond for five thousand dollars, that that building could be constructed, in accordance with the plans and specifications, for six hundred thousand dollars?

A.—Yes, sir; the law says that in case no contractor could be found to take the building at these figures, according to the plans, the architect should become the contractor.

Mr. Cornwell—Do you know the reason why they did not let the whole contracts at that time?

A.—Because then there was only two hundred and thirty-five thousand dollars appropriated for the building, and it was impossible.

Q.—Then the specifications were changed subsequent to that?

A.—Yes, sir.

Q.—The specifications were changed by the Board of Directors?

A.—Yes, sir.

Q.—What authority of law did they pretend to have to change them?

A.—These changes were talked of taking place before the plans were adopted. When Drs. Wilkins and Shurtleff were up there, they objected to the plans, and recommended that the inside finish should be Port Orford cedar, and suggested to the Board to put in pressed brick on the outside walls. This was before the plans were adopted at all.

Q.—This is your estimate, made at that time of the changes then contemplated?

A.—Yes, sir. After those estimates had been received, and they adopted the plans, they asked me what those changes would cost, and I gave them this estimate. That was in November or October.

Q.—Since which time they have been changed again?

A.—Very little.

Q.—That would make an aggregate of eight hundred and thirty-eight thousand five hundred and sixty-eight dollars and nineteen cents?

A.—Yes, sir.

Mr. Donovan—And that would include steam-heating apparatus and granite water-table. Who did the stone work on that building?

A.—Cochrane.

Q.—Who put on the granite water-table?

A.—Cochrane.

Q.—Does this estimate cover his whole work?

A.—Yes, sir; all that he did.

Q.—I find in the first estimate for foundation, eighty thousand dollars. Well, then, when you come to put on these extras, you put on forty-two thousand two hundred and seventy-five dollars for extra stone work.

A.—When that estimate was made, the foundation was about done.

Q.—Well, this does not belong in the extras?

A.—Yes, sir; that shows the extras that was done in the foundation.

Q.—The whole cost of the foundation to-day is eighty-one thousand nine hundred dollars and fourteen cents—that is the actual cost?

A.—Yes, sir.

Q.—By your estimate you are allowed one hundred and twenty-two thousand two hundred and seventy-five dollars?

A.—I don't think so. That eighty thousand dollars was intended to cover the water-table, and there was extra work that made it eighty-one thousand nine hundred dollars.

Q.—In that original estimate, where the building was going to cost six hundred thousand dollars, eighty thousand dollars was allowed for the stone work?

A.—That is not the original estimate. That estimate was made after the foundation was built. Cochrane's contract was for sixty-

three thousand dollars, and he did extra work that ran it up to eighty-one thousand nine hundred dollars.

Q.—Was that rough red brick?

A.—Yes, sir.

Q.—That was only an estimate?

A.—Yes, sir.

Q.—Here is an item for setting stone?

A.—That is the stone in Ewing's contract.

Q.—Here is an item for pressed brick?

A.—Yes, sir, that was substituted for rough brick.

[Mr. Donovan reads from the report of the Assembly Committee on Public Buildings, twentieth session, page 6, appendix to journals.]

Q.—Steam seasoning six thousand dollars. How about that?

A.—We were going to do that, but we didn't.

Mr. Cornwell.—What was that steam seasoning for?

A.—Seasoning all the lumber used in the building.

Q.—Kiln drying?

A.—Yes, sir; we did that.

Mr. Donovan.—Ash flooring—how much did that cost?

A.—One hundred dollars a thousand feet.

Q.—Did that include the laying of it?

A.—No, sir.

Q.—Extra cost of laying flooring—five hundred dollars?

A.—That is for hard-wood flooring.

Q.—Extra cedar finish in that wing, seven thousand dollars?

A.—Yes, sir.

Q.—And in the other wing, four thousand dollars. Did that cost eleven thousand dollars?

A.—Yes, sir; it cost more than that.

Q.—Now we have saved the steam-heating; and the next item is brass gauze; what is that for?

A.—To keep the flies from getting in at the patients.

Q.—Extra iron binding on foundation, four thousand two hundred dollars. Was that the Foye patent?

A.—Yes, sir.

Q.—Now, you saved something on your stone work. What I am wanting to get at is this: that on some of your estimates you saved money?

A.—That was equalized by the others.

Q.—But you saved on your stone work—you saved eight thousand one hundred dollars on that. Your estimate here is eighty-one thousand nine hundred dollars?

A.—Let me explain that. When Cochrane took that contract the basement was completed. I put that eight thousand dollars, intending to cover that granite water-table and window sills. The original estimate for the stone work was sixty thousand dollars, but the extras ran it up. I thought I would be able to include all this extra work, and come within the sixty thousand dollars.

Q.—Now, the Frear stone work in section one is put at forty-two thousand two hundred and twenty-seven dollars; and setting it, eight thousand four hundred and fifty dollars. In sections two and three, eight thousand one hundred and sixteen dollars each; and for setting, two thousand one hundred and seventy-five dollars each. What is the actual cost of this Frear stone work, as by the report?

A.—There is a mistake there. That stone was set by Ewing under his contract.

Q.—Is setting that stone included in Ewing's brick work?

A.—Yes, sir; he set the stone in the building.

Q.—How much has this stone work overrun?

A.—The figures show.

Q.—Well: The Frear Stone Company, sixty-three thousand two hundred and eighty dollars; Ewing's original contract, fifty-eight thousand five hundred and seven dollars.

Q.—That contract has overrun four thousand seven hundred and seventy-three dollars. Now this galvanized-iron work in section one, ten thousand dollars; section two, five thousand three hundred and sixty dollars; section three, five thousand three hundred and sixty dollars—total, twenty thousand seven hundred and twenty dollars. What is the actual cost?

A.—Thirty-seven thousand five hundred and seventy-four dollars. There is some tinsmith work included in that. The contract is in currency, but I put in gold, so if there is any extra work done we can meet it.

Q.—The first contract contemplated ceiling the whole building?

A.—The whole main building—the whole front building.

Q.—The steam seasoning has been left out altogether.

A.—That amounts to thirteen thousand dollars.

Q.—Kiln drying, one thousand five hundred dollars; has that overrun any?

A.—No, I don't presume it has.

Q.—The cost of the ash-flooring, that has not overrun?

A.—I think it has. I think it cost twenty dollars a thousand feet more. One thousand six hundred and eighty dollars.

Q.—That is what the flooring cost extra in those two wings. The extra cost of laying the floor, five hundred dollars?

A.—That is all right.

Q.—The extra cedar finish has cost a great deal more, fifteen thousand dollars—do you recollect how much more?

A.—No. I think Mayberry signed the contract with the understanding that he was to be allowed for that. I know that as far as this: there was a resolution passed by the Board to allow him the difference.

Q.—Before the contract was entered into?

A.—The day the contract was entered into.

Q.—Is that difference provided for in this report?

A.—There are some deductions made on that contract which would meet that.

Q.—In other words, you calculated that the fifteen thousand dollars saved on steam seasoning and Cochrane's contract, or something of that kind, would meet the deficiency?

A.—Yes, in something of that kind.

Q.—The extra work for brass gauze, has that cost any more?

A.—There were some extra windows put in. It cannot be a great deal.

Q.—The extra iron band in the foundations—was not that in before that report was made?

A.—It was being put in at the time the report was made.

Q.—Was that covered in Cochrane's contract?

A.—Yes, sir.

Q.—That was in his bill for eighty-one thousand nine hundred dollars?

A.—I am not positive about it. That there nine thousand two hundred dollars was for Cochrane's extra iron binding in the foundation. I deducted for artificial stone steps, in sections two and three, from his contract.

Q.—Did you find that deduction was too little or too great when you came to put in those stone steps?

A.—I forget.

Q.—Now, cannot we take those estimates and compare them with the contracts and reports, and show where the excess is?

A.—That extra work was an estimate made three years ago, and it will exceed now a certain amount.

Q.—Now, Mr. Wright, if we were to give you a copy of this report, could you show us where it has run in excess and where it has fallen off? For instance, there has been so much saved on the steam seasoning, and so much on the stone work in Cochrane's contract. You can show us what you estimated those items to cost, and what they did actually cost?

A.—No, sir; I think that would be difficult. It would not come out when it was done on account of changes.

Q.—You say you allowed Mayberry an extra price for his lumber?

A.—The Board passed a resolution that they would allow him an extra price, but did not put it in his contract, on both the lumber and the finish.

Q.—You said that there was no charge on that?

A.—I say so still, because I intended to keep it at the same price. There is enough deductions to balance the additions.

Q.—What is Mayberry's standing? Is there anything on which he can call for that?

A.—I think so; I think we will take the resolution of the Board, and allow him what that resolution calls for.

Q.—Do these plans and specifications provide for furnishing those windows with iron bars, or is that an extra?

A.—No, sir; it is provided for the excited patients' wards only.

Q.—How many of those are there?

A.—It is only in a few windows we have those bars; probably three or four.

Q.—If they should use those other wards, they would have to put on bars?

A.—Only when they are required to be put on. If the patients were not excited, they would take them off.

Q.—You did not, in your original estimate, contemplate putting in any of these marble mantels?

A.—No, sir.

Q.—Could we get along without them now?

A.—Well, they thought it would be better to have them there for ventilation; they thought it would be better to put them in.

Q.—Now, your encaustic tiles—was there not an extra put in for that?

A.—We have enlarged that since this estimate was taken.

Q.—In what places have you put them down not originally contemplated?

A.—In the kitchen and in the towers.

Q.—Granite steps for outside doors, six thousand dollars. How about that?

A.—The contract has overrun nine thousand dollars.

Q.—Has your item for locks overrun?

A.—It has not overrun; the locks have not been put in yet.

Q.—Will it overrun?

A.—I think not. What was it before?

Q.—Four thousand dollars.

A.—No; that isn't overrun.

Q.—The freestone contract has underrun. These artificial stone steps are left out, which were to cost—

A.—I am not exactly sure about that, whether it has underrun or not.

Q.—Now, the drains are set down at seven thousand dollars; main sewer, three thousand nine hundred and twenty-five dollars; and the actual cost of them appears to be, by the report, eighteen thousand two hundred and forty-eight dollars. Elevators, originally, five thousand dollars; now, according to report, twenty thousand dollars. Painting and glazing, twenty-five thousand dollars; now amounts to twenty-seven thousand five hundred and fifty-two dollars and twenty-five cents. Plastering, as estimated, twenty-five thousand dollars; now, in your report, twenty-four thousand three hundred dollars, and you supply the lime and plaster. Plumbing and gas-fitters' work, original estimate, twenty-three thousand dollars; as shown by report, thirty-two thousand dollars. Cast and wrought iron, twenty-five thousand dollars.

Mr. Wright—That exceeds some little.

Q.—Seven thousand barrels of cement at three dollars and thirty cents; seven thousand barrels of cement at one dollar and eighty-five cents.

A.—That is in excess, also, in my report.

Q.—Extra cost, five hundred thousand brick in section one, at twenty-three dollars and thirty-five cents per thousand. Did that cost any more?

A.—I don't think so. It was just about that.

Q.—Did you make any provision for bells in the original building, at all?

A.—No, sir.

Q.—The sewers were provided for in the original cost of the building?

A.—Yes, sir.

Q.—How many acres did you calculate to grade?

A.—Just merely around the building.

Q.—How many acres have you there?

A.—About two hundred, I believe.

Q.—Now, in your original bid the Directors claimed that these things did not properly belong to the building, but now they have put in twenty thousand dollars for elevators, and it has been put off so as to look like something else. I imagined that these things were not provided for in the original estimate, but we find here twenty thousand dollars allowed for that. Was that item for the heater allowed for in the original estimate?

A.—Yes, sir.

Q.—Then the heating apparatus is really part of the original building?

A.—But, instead of twenty thousand dollars it cost thirty-seven thousand dollars. It was intended originally to be run on the same principle as at Stockton, but we afterwards adopted a much superior system.

Q.—The salary of the Board, forty-ninthousand one hundred and sixty-three dollars. Now, we cannot get at anything by that?

A.—The Treasurer's report will show that.

Q.—Whose clerk is Miller?

A.—He is the doctor's clerk.

Q.—How long has the doctor been there?

A.—Off and on for twelve months.

Q.—What was the clerk doing? There was nothing for him to do?

A.—He went there to get the building ready for the doctor.

Q.—Has the doctor been drawing his salary?

A.—No, sir; I don't think he has. As to the clerk, he had to get the books started and get things ready; he was not there a day too soon.

Q.—Does it take six months to start the books?

A.—The building was intended to be ready much sooner.

J. W. DUNCAN, SWORN:

Mr. Donovan—You understand the proposition. The steps up to this porch to be of stone, the sides of brick or stone; nothing of wood except the pillars and the roof?

Answer—If the wood were well seasoned and painted at the ends, and set down in stone, I have no reason to believe it would not last one hundred years.

Q.—Have you seen the Napa State Asylum for the Insane?

A.—No, sir.

Q.—Take a good, hard, red brick—the best brick in this country—how much longer do you think pressed brick would last than that?

A.—I don't think it would last any longer. I have seen some of this brick from Napa; it is good brick.

Q.—Do you think if a rubble-stone foundation cost half as much as a dimension-stone foundation in a large building like this—do you think that the difference between the two would compensate for the difference in price? Would the rubble foundation be as durable?

A.—Oh, yes; it would be as durable for all purposes if it is well laid, with a good substantial base to rest on.

Q.—Do you think pressed bricks are worth the difference in price?

A.—I would say no. In regard to bricks, however, pressed bricks are less porous than those rough brick.

Q.—Suppose you build a double wall with a hollow; is there any advantage of having the outside case of pressed brick?

A.—None that I know of. The building would be just as inhabitable inside with rough brick as with pressed.

Q.—Do you think that where it is necessary to put iron binding in a stone foundation, that it is advisable to put high towers on the same building?

A.—Not in my judgment, in this country, where we are subject to earthquakes.

Q.—In case of a heavy earthquake, will not that slate roof be more dangerous than a tin one?

A.—Not if the roof was well framed together. If the slates should be thrown off there might be some danger that way.

Q.—Would not the extra weight of the slate and frame have a greater strain on the walls, so that in case there was any danger they would be liable to bear down?

A.—If the construction was good I don't think there would be any additional danger.

Q.—Do you know anything about Frear stone, as compared with pressed brick?

A.—I have great confidence in Frear stone as a first class building material. I don't think it any better than brick; it may be as good. Still, there is some vegetable substance in it; for instance, shellac, which is a kind of chemical mixture. They use gum shellac in Frear stone.

Mr. Broderick—These red bricks that are spoken of are rated at nine dollars and eight dollars, and the pressed brick at twenty-nine dollars. Do you think that there was any reason to substitute the pressed brick, commensurate with the difference in price?

A.—I think you could get substantially as good a building. The pressed brick looks better.

Q.—Well, do you think that the looks would compensate for the difference in price?

A.—No, sir; not for that. For a nice private residence, I suppose it would.

C. C. TERRILL, SWORN.

Mr. Cornwell—Mr. Terrill was a member of the last Legislature, and one of the gentlemen who made this report. (Assembly Report on the Napa State Asylum.) Mr. Terrill, the reason why you were called was that you might tell us what these people promised when you were on this committee last session; Senator Donovan suggested that you be called for that purpose.

Mr. Terrill—It has been now two years, gentlemen, since I investigated this matter, and since this report has been made; and I have forgotten some things in regard to it. We went there to Napa two years ago. We were there only one day. We went out to the ground and examined their records, and they showed us the various reports in their office. We looked over them; we came here and had some discussion over it. Some of the Directors were before us here. Jewett, and I think Doctor Morse. We did not see him there, but afterwards; during that time Mr. Hartson was there, and I am inclined to think Goodman and Mr. Watson, the Secretary. I don't know as to Mr. Sterling. Now I remember—Mr. Jewett we did not see there. We went there and inquired into the matter, and found that they had not complied strictly with the law, inasmuch as they had contracted for the construction of the whole foundation, instead of one wing of the building. They thought they were justified in that because they could do it so much cheaper. We examined their work and made our report. We were satisfied that the work was well done, and as cheaply as it could be done, considering the character of the work. Of course, the plans adopted they were not entirely responsible for. They had stated that they would not be able to do the work under the appropriation. We wanted to know how much more they wanted. They told us what they thought. We thought they would probably need that amount. I didn't think they could do it under that amount. I told them I did not think it was possible for them to do the work under the appropriation we would allow them, unless

they would curtail. And there were certain things to be done in order to make the building comfortable for the patients; for instance, wire screens for the windows. I thought that was necessary. I told them I thought they ought to leave off that artificial stone and the earthquake-binding. I have forgotten now the particulars of the report. I was not Chairman of the committee, but I drew that report up myself. We told them here what we suggested to them they should leave off; and this money we appropriated to them was intended to complete the building and inclose the grounds.

Mr. Lambourn—That was for the walls and all?

A.—The idea was that there would be no brick walls; that the inclosure of wood would be sufficient, not around the entire grounds, but around a sufficient portion in which the inmates might exercise. They took us up to the reservoir, and stated that they had that water; gave us to understand that it belonged to them—that they owned it. There was certainly a sufficient supply then.

Mr. Cornwell—That was in winter you were there?

A.—Oh, yes; in winter time. I am not certain what the date was; some time after the holidays.

Mr. Clunie—Was it not distinctly understood that this appropriation of six hundred thousand dollars would complete everything?

A.—In addition to what they had already received, that was to complete the whole thing—the whole building, with whatever improvements they should need. I told Mr. Hartson they should not make any improvements that would exceed the amount of the appropriation. He assured us that he would not do it, so far as he was concerned. The furniture of the building was something we knew nothing about.

Mr. Lambourn—Did it include the laying of the water-pipes?

A.—It included bringing the water, laying the pipes, lighting and heating the building, and everything else.

Mr. Clunie—How about this clock and bells? Was that included?

A.—No, sir; I don't think there was any clock suggested in the matter, or bells. I understood that it included everything. I told them that, as far as the plans were concerned, they would probably exceed the estimates they had there.

Q.—Now, didn't you think this, at the time, a very liberal appropriation?

A.—I understood it to be a liberal appropriation. I told Mr. Hartson, who was here, that I thought so. I find in the bill now a clause that I certainly overlooked. It is in the bill as originally drawn by the clerk of the committee. It certainly escaped me. That was confirming all those contracts and legalizing them.

Mr. Cornwell—That would have more direct reference to that provision of the Code, that all work of the State should be done by day's labor.

Mr. Clunie—If there was a contract, outside of the appropriation, that would be all covered?

A.—It covered everything. I told Mr. O'Connor that I did not believe this clause was in the original bill. But I found it was in the handwriting of the clerk. The bill was first drawn by Mr. Welch, the Chairman. He asked me if I had any amendments to make. I put in that clause making it a felony. The committee would not agree to that, and then I struck it out, and made it a misdemeanor. When we agreed on it we gave it to the clerk to make a

clean copy, and the clause is in his handwriting. As far as the appropriation was concerned, we recommended to them that they should leave off this pressed brick. I told Mr. Hartson that that brick they had there was amply good enough for the front of any building of that description. The understanding between the Directors and the committee was, that that was ample to complete the building ready for occupation.

Mr. Cornwell—The idea was that the building should be completed within the appropriation?

A.—It must have been because it was so talked of between Mr. Hartson and myself, that the building was to be completed within the appropriation; and the bill made all contracts void that exceeded it, so the contractor has no claim against the State.

Q.—Did they say when they should have that north wing completed for the reception of patients?

A.—I asked Mr. Hartson at first, in his opinion, how long it would take to complete the north wing of that building ready for the reception of patients. He told me that he was satisfied that in any case he could get it done by the first of October, eighteen hundred and seventy-four. It was the latter part of the session, eighteen hundred and seventy-four. The first of October next was what he stated. I said: "Mr. Hartson, I want to give you ample time, but I want you to complete this wing. I don't want you to go on and run it as you have been doing—all at a time." Sterling was there at the first interview.

Mr. Lambourn—Was Wright present at that time?

A.—No, sir; I don't think he was. Mr. Wright was not here on that building business at all. He was sent for to examine the acoustic properties of the Assembly Chamber, and while here he was talked to in regard to that matter. He told us that they all agreed they could get it done by that time.

Mr. Cornwell—It was your opinion as a builder that it could be done?

A.—I don't think there is any doubt of that, unless some things prevented it. For instance, if I order a cargo of lumber, and it is lost at sea, and I lose sixty days labor, of course that would make a difference. Under ordinary circumstances, I thought it could have been done if they had left off that pressed brick and used the brick they had there and the lumber they had there. I think they could have done it.

Mr. Lambourn—It appears that they have used other wood and other material, contrary to your recommendation as a committee?

A.—I don't know that; I have not been there.

Q.—The report shows that they have used hard wood instead of pine for flooring?

A.—We recommended selected pine. They used that at the State University. It was thought good enough for that.

Mr. Clunie—Don't you think that the building is on too grand a scale?

A.—I most certainly do.

Q.—They have put up a tower and a steeple there. Now, these insane persons can't appreciate a steeple?

A.—My impression is they should never have adopted that plan. It is a good building, and fully showy enough for an asylum. My own opinion is that the State cannot afford showy buildings for charitable

institutions. If a State wishes a showy capitol, or a city a showy city hall, and are willing to stand it, all right; but not for a hospital. The reason is this: in all jails and hospitals there is a bad smell, which you cannot get rid of, and that smell gradually gets into the building. The latest reports show that for that class of buildings they now make them cheaper, so that they can tear them down and rid them of that smell, and build new ones. I should have adopted a much cheaper plan for that building.

Mr. Donovan—The red, hard brick they have there would have built brick work plenty good enough without pressed brick in the front?

A.—That is exactly what I stated two years ago. I think it makes as pretty a front as a man wants.

Q.—Considering that they thought it was necessary to put that earthquake iron binding there, was it not an extremely bad idea to build so many high towers?

A.—I will say that they thought the building would likely shake down in an earthquake. If it did, those towers would shake down, assuredly.

Q.—Is not a slate roof much more expensive than a galvanized-iron or tin roof would be, not only from the cost of the slate, but from the extra amount of lumber that would have to be used?

A.—I am satisfied it is more costly on the account you mention, but a slate roof is more durable.

Q.—Now, if you have a porch on a stone foundation, with stone steps and walls, and pillars and roof of wood—if that was kept well painted how long do you think the wood would last?

A.—From my experience it might last fifty years. I have no fear of its not lasting thirty years, unless it should get damp. I have seen wood more than a hundred years old perfectly sound.

Mr. Cornwell—Is there any reason why wood-work should not last as long as the rest of the building, if it is protected?

A.—Why, most certainly it would.

Mr. Donovan—The specifications and plans originally called for a wooden portico in front, but the steps were to be of stone. The idea was advanced that you must use Frear stone, because if it was made of wood it would all rot out in twenty years.

A.—Well, I saw wood at Stockton, built twenty-two years ago, and it was perfectly sound.

Mr. Lambourn—Is not redwood the best kind of wood for lasting?

A.—The best in the State.

Q.—Is there any better in the United States?

A.—Not in this climate.

Mr. Donovan—Mr. Hartson in his testimony before the Senate committee, stated distinctly that it was impossible that the section could have been completed within the time specified by the statute.

A.—Mr. Hartson told me that in his opinion there was no doubt about its being done.

[Vide Mr. Hartson's testimony before the Senate committee, pages 27 and 28.]

A. [Continuing]—I am satisfied that if the money was there to pay for it, it could have been done if they had the disposition to do it.

[Vide Mr. Hartson's testimony before the Senate Committee, pages 27 and 28.]

A. [Continuing]—As to the amount of money on hand you can find that out from the books. As to their statement that they could have it done by the first of October, I told Mr. Hartson I would make it a misdemeanor if they did not. He said it could be done by the first of October. I told him I wanted to give him ample time, and I would make it the first of November.

Q.—Did they say that Doctors Wilkins and Shurtleff insisted on having a pressed brick front and Frear stone, and all those improvements; or were they their own suggestions?

A.—I don't remember any such statement.

Mr. Donovan—Now they swear that they did; but Dr. Wilkins now denies that he ever said so.

[Letter from Dr. Wilkins put in evidence.]

THOMAS BECK, sworn.

Mr. Cornwell—Mr. Beck, would you please go on and state what arrangement and understanding you had with the Board of Directors of the Napa State Asylum for the Insane at the time of the recommendation of the six hundred thousand dollar appropriation?

Answer—I would say that it would be almost impossible for me to remember verbatim what occurred. When we went to Napa to investigate this matter we met the Directors. They had the plans and specifications there. They represented that they also had had a conversation with the doctors on the Consulting Board, and that they recommended certain alterations. They had the contract let for a little above six hundred thousand dollars, and this contract was let under a law that had been passed two years previously, that compelled the Board to let the contract and to exact of the architect a bond that the building should be built and completed within the amount appropriated. They adopted the plans and specifications and let the contract according to that law. This Advisory Board had recommended certain alterations, which would amount to about two hundred thousand dollars more, and the architect was released from his bond, because they had let the contract for the building with the understanding also of the contractor that he should finish the building according to these alterations recommended by this Advisory Board, for two hundred thousand dollars more, and with this understanding the whole committee advised that the alterations should be made.

Q.—Who of the Directors were present at that time?

A.—They were all present. Hartson, the Chairman, and the architect were there. And I remember of saying that I doubted very much that the house could be built for that money. But they assured me the contract was let. Hartson said they had made contracts for lime at a very cheap figure.

Q.—Then they gave you every assurance that that building should be completed for that appropriation and for the extra amount?

A.—Yes, sir; otherwise we should not have made any appropriation. In fact, it was stated positively that the contract was let for six hundred thousand dollars, and that the contractor held himself ready to proceed with this extra work for two hundred thousand dollars.

Q.—With reference to the completion of that north wing. There is one provision in the Act providing, under a penalty of misdemeanor, that it should be completed within the time mentioned in the Act. What did they say about that?

A. — I don't remember anything being said about that at that time. The alterations referred to were an ornamental pressed-brick front, this Frear stone and hard wood instead of pine flooring, and other additions that I do not remember. The report that was made by me as Chairman of that committee, was based entirely upon the representations made to us at that time by the Board. As near as I can recollect they stated to us that eight hundred thousand dollars, or thereabouts, would complete the whole building. The Board stated to us that that additional amount of two hundred thousand dollars would cover the water-privileges, paying for the ground, etc., as will be shown by the Senate Committee's report at the time.

EXHIBIT A.

Resolved, That the Board of Directors of the Napa State Asylum for the Insane be instructed to compile a statement for this committee, of the amount expended on contract; also, the amount paid out for work done outside of contracts; and an estimate of the amount necessary to complete the buildings and all the appurtenances, together with the necessary furniture for the said building and appurtenances. The object being to report to the Legislature the full amount required for any and all purposes connected with said asylum, to put it and the grounds, water privileges, and all appurtenances in perfect running order. Said report to be made as soon as possible.

DECEMBER 21st, 1875.

EXHIBIT B.

SPECIAL REPORT OF THE DIRECTORS OF NAPA STATE ASYLUM FOR THE INSANE.

To the Honorable Committee on Public Buildings of the Senate and Assembly of California:

The Board of Directors of the Napa State Asylum for the Insane beg leave to make the following report of the history of the asylum building, and its present condition:

The Board would have been pleased to have made this report at an earlier date, but were delayed for the want of the construction contracts, which were borrowed in December by the Assembly Committee on Public Buildings, and only returned two days ago.

By virtue of the Act of the Legislature passed March twenty-seventh, A. D. eighteen hundred and seventy-two, Dr. John F. Morse, Robt. Sterling, John H. Jewett, C. Hartson, and James H. Goodman, were appointed Directors. In the month of November, A. D. eighteen hundred and seventy-four, Dr. John F. Morse became sick, resigned, and soon afterwards died, and Mr. Abner Doble of San Francisco, was appointed his successor.

It was the first important duty of the Board to procure plans and specifications, and make provision for the construction of the asylum building. The statute further provided that the "plans, specifica-

tions, provisions, and the terms thereof, shall be submitted to the Governor, G. A. Shurtleff, and E. T. Wilkins, jointly, whom the Directors shall consult and advise with prior to the final adoption of any plan for such building."

The Directors advertised for plans of a building that should accommodate five hundred patients, at a cost not to exceed six hundred thousand dollars.

While the Act of the Legislature prescribed the number of patients to be accommodated, it did not prescribe or fix the costs, but left that to the discretion of the Directors and future legislation.

On the twenty-third day of January, eighteen hundred and seventy-three, there was a joint meeting of the two Boards to inspect and consider the various plans for an asylum received by the Board of Directors, and select the one best adapted for the purposes intended.

As Drs. Shurtleff, Wilkins, and Morse were eminent physicians, with experience in the construction and management of asylums, their opinions and judgment were held in high estimation, and would have been considered as almost conclusive in the adoption of a plan, had they not been specially commissioned by law with this duty.

Dr. Wilkins had been commissioned by law to examine the structures of the various asylums of Europe and America, at the expense of the State, and was especially qualified to determine the question submitted.

Several plans were submitted for inspection, among them those of Messrs. Wright & Sanders, Messrs. Bugbee & Son, Mr. Eisen, and others.

At this meeting Dr. Shurtleff, Dr. Wilkins, and Dr. Morse expressed a decided preference for the plan of Messrs. Wright & Sanders. They did not regard the plan as perfect or complete, but did regard it as superior in design to the others presented. And Drs. Wilkins and Shurtleff, while recommending the Board to adopt the plan of Messrs. Wright & Sanders, considered it quite defective in some respects and recommended some changes and improvements in construction as absolutely necessary for the comfort, safety, and health of the patients.

The walls were regarded as insufficient to keep out dampness or water.

Mastic and pressed brick were each recommended as an improvement.

Dr. Shurtleff stated that at Stockton mastic had been thoroughly tested and found unsatisfactory and inefficient. Pressed brick were regarded as not only useful but necessary to avoid the evil referred to.

According to the plan and specifications presented, the interior finish of the building was to have been of redwood. This wood was regarded as too brittle and too frail, and too liable to form slivers, for the inside work of asylums.

Cedar, or sugar pine, or some other wood was recommended as more serviceable and more durable than redwood, and less liable to prove detrimental to the patients.

The walls of the lower story of the building were only thirteen inches in thickness. It was deemed advisable, if not necessary, to increase their thickness to eighteen and twenty-two inches.

The porch of the building, according to the plan, was to be of redwood. Such a porch was regarded as too liable to decay, and incompatible with the style and character of the building.

Such were regarded as the imperfections of the proposed building at the time of the adoption of the plan.

As advised by those appointed by law to advise, and deemed by the Board most competent to decide, the Directors adopted the plan of Messrs. Wright & Sanders, and proceeded to the responsible and laborious work of construction.

The towers are not only in strict conformity to the style of architecture adopted, but are each indispensable in storing water in positions that command the building.

Soon after the adoption of the plan, the Board advertised for proposals for the construction of the foundation, including the basement or lower story.

On the seventeenth day of April, eighteen hundred and seventy-three, the contract was let to Mr. John Cochrane for the sum of eighty-one thousand and nine hundred dollars, including the changes in construction, the State furnishing the lime and cement. This foundation, including window-sills and water-table, was to be constructed from the stone of the quarry on the asylum ground.

This contract was obtained on terms most favorable to the State, but unfortunately most unfavorable to the contractor, Mr. John Cochrane, who sustained a considerable loss.

The working of the quarry disclosed the fact that the stone in the interior was more broken, spotted, and unsound than the exterior indicated; and it was found very costly and difficult, if not impossible, to obtain the desired dimension stone for the water-table from the quarry, and if obtained they would have been unfit for use.

The Board, therefore ascertained the difference of cost, and substituted granite for the quarry stone.

This is the principal change made in the construction of the foundation.

Afterwards, during the months of October and November, eighteen hundred and seventy-three, the Board advertised for proposals for the construction of the wood and brick work of the asylum.

The bids were opened on the twentieth day of December, eighteen hundred and seventy-three, and the cost was then ascertained of the wood and brick work, and to whom the contract should be awarded.

The bids in the two departments referred to were as follows:

Bidders.	Section 1.	Section 2.	Section 3.
<i>Carpenters' and joiners' work.</i>			
E. L. Mayberry	\$92,973	\$36,985	\$35,985
McFadden & Miles	102,200	44,850	44,850
Thomas H. Day	107,000	46,000	46,000
Robert Ewing	155,868	45,250	45,250
A. H. Manson	112,000	38,500	38,500
Swain & Hudson	114,400	44,450	44,450
Joseph C. Gibson	118,736	54,983	54,993
William Bradford	127,746	47,931	47,931
Wilcox & Farquson	135,000	60,000	60,000
R. Beeby & Son	137,103	45,000	45,000
F. L. Taylor	140,000	52,500	52,500
Thomas Moffat	144,650	57,783	57,783
George Middlemiss	186,900	76,250	76,250
<i>Brick work.</i>			
J. Cochrane	215,747	81,005	79,847
Charles Murphy	195,000	76,500	74,000
Jacob Hoot	175,000	75,000	75,000
McGowan & Butler	160,700	57,000	57,000
McFaddin & Miles	132,900	52,154	52,154
John Wilcox	129,154	53,940	53,940
J. G. Leibert	115,279	44,325	44,325
Robert Ewing	113,179	43,356	43,356

So far, the Legislature had appropriated for purchase of land, for constructing of dams and laying water-pipes, for obtaining water and for constructing the building, only two hundred and thirty-seven thousand dollars.

And it was then decided by the Board that before proceeding further, that they would submit the matter of the construction to the Legislature and obtain its direction.

Action on these bids was therefore delayed for legislative action and appropriation before the proposals should be finally accepted.

All of the changes that were regarded as useful, and all that have been adopted in the construction of the building, were submitted to the legislative committees for consideration, and the Senate committee, after a thorough examination of all of the proposals made, and of the whole design of the building as it now appears on the ground, made the following somewhat flattering report, directing the Board to proceed and finish the building in a manner compatible with its uses and designs:

REPORT OF SENATE COMMITTEE.

The Committee on Public Buildings and Grounds beg leave to submit the following special report in regard to the conditions and necessities of the Napa State Asylum for the Insane:

The committee visited Napa City, the site of the asylum, on the thirty-first day of January, and gave to the building, and also to the methods of business in connection therewith of the Directors, a thorough and careful examination. It gives us pleasure to report that, whatever may be said of other public buildings in process of erection at the expense of the State, this one,

at least, is progressing in a most satisfactory manner. The Directors are proceeding with the same care and economy which prudent business men manifest in regard to their own private affairs. The work thus far complete consists of a foundation for the entire building. This foundation is of the best material, and has been laid in a thoroughly substantial and workman-like manner, and at remarkably small cost. With it we are entirely satisfied. Some idea of its dimensions can be formed from the statement that the foundation wall is only less than a mile in length by two hundred and forty feet.

Contracts have been entered into by the Directors for the entire superstructure, on terms which are satisfactory, both as to the character of the contractors and the amounts of the contract prices. The awards were made by the Directors after thorough advertisement and a spirited competition, and to the lowest bidders. The Directors have made no changes in their original plans; but they have departed in some instances and respects from their first intentions. Some of these departures were made because of absolute necessity, and others upon suggestions sanctioned by the highest authorities, and approved by the latest and best experience.

The necessity for the early completion of this building is so apparent that it only needs to be intimated. The overcrowded condition of the asylum at Stockton is simply a shock to humanity. Some complaint has been made that the work has not been more rapidly pressed. It is sufficient to say, on this score, that the Directors have made every possible effort with the means at their command from the former appropriation, and have, in several instances, anticipated their receipts from the State by the temporary employment of their private funds in large amount, and without interest.

We find that the sum of six hundred thousand dollars will be necessary in order to complete the building according to the present plans and under existing contracts. Those plans cannot, in our judgment, be changed or simplified without injury instead of benefit. And we are convinced, as before stated, that the contracts cannot be improved, even if it were possible to annul them. With this additional appropriation the entire cost of the building, with all its adjuncts, including the purchase of the land and the acquisition and utilization of splendid water privileges, will be paid. And we have no hesitation in reporting that it will then be the cheapest public building in the State.

We therefore recommend the speedy appropriation of the amount.

THOMAS BECK,
WILLIAM WIRT PENDEGAST,
JOHN BOGGS,
JAMES A. DUFFY,
JOHN McMURRY,
WILLIAM T. GARRATT.

The committee, when in Napa, strongly commended the improvements suggested as compatible with the character, uses, and style of the building, and especially advised and requested the Board to proceed and complete the building as rapidly as the means at command would justify, in accordance with the approved plan and specifications.

On the twenty-fourth day of March, eighteen hundred and seventy-four, the Legislature passed the Act appropriating six hundred thousand dollars for the purpose of constructing the asylum, in addition to what had been before appropriated.

In order to facilitate the construction and give greater latitude to the powers of the Board, the Legislature, unasked by the Board, by section three of the Act of March twenty-fourth, eighteen hundred and seventy-four, relieved the Board from the operation of any law supposed to be adverse to their method of proceeding, and specially legalized and confirmed all contracts made by the Board:

SECTION 3. The provisions of section thirty-two, hundred and thirty-three of the Political Code are hereby declared not to apply to the erection and construction of said Napa State Asylum for the Insane, and all contracts heretofore made by said Board of Directors, for the erection and construction of said Asylum for the Insane, are hereby legalized and confirmed.

At this period the Board had only constructed the foundation of the building, and had advertised for and received bids which were not accepted, but held in abeyance, awaiting the action of the Legislature, and they had not in any respect, in their judgment, exceeded the authority entrusted to them.

Had the Legislature not have approved and adopted the improvements, the appropriation of six hundred thousand was not necessary or proper. Had the Legislature intended the Board to have constructed the building after the original plan of Messrs. Wright & Sanders, without change, less than four hundred and fifty thousand dollars (\$450,000) would have been required to complete the building.

At this time the Board had not ascertained the exact cost of the iron work, of plastering, of glazing, of painting, of stone work, of cornice, of plumbing, of roofing, and of material.

And although we had estimates as reliable as future contingencies would admit of, still no one could count with certainty the future changes in the market for labor or material, or tell in advance the precise cost, or how the construction of this building would be affected by other great enterprises then in progress.

The Board did not advertise for or let all of the contracts at one time. At first only the brick and carpenter work, two of the principal contracts were let, as the last Legislature were well informed.

The different parts of the building were contracted for from time to time as the progress of the building required.

Late in the order of work and contracts was that of plastering, given to Messrs. Cox & Warren in the month of April, eighteen hundred and seventy-five, at the sum of twenty-four thousand and eight hundred dollars.

The Board have taken great care to have the work well done, and at as cheap a rate as possible.

One part of the Act of March twenty-fourth, eighteen hundred and seventy-four, required a section of the asylum, sufficient to accommodate at least two hundred patients, to be completed by the first day of the following November.

At this time considerable less than one hundred thousand dollars of the first appropriation was undisposed of, and there was no money in the treasury to pay any portion of the appropriation of six hundred thousand dollars, and would not be until the following February.

It was found quite impossible to perform so much work in so short a time with the means at command; although the failure was made a penal offense.

The direction of the Legislature as to the character of the work done was explicit, but a correct estimate of the cost and time required would be almost, if not quite, impossible, in a work of such magnitude, the contracts and construction of which extended through a series of years.

The competition for contracts was so great that all were taken at very low, and many at losing rates to the contractors.

The entire building is constructed in the most skillful manner, of the best and most durable material, is covered with a superior slate roof; is completely protected against fire, and should remain unimpaired for more than a century. And, although the cost is great, we are well assured that there is no other asylum in America of like magnitude and construction, built at so small an expense.

Sections numbers two and three, the northern and southern wings, are entirely completed. Within four months from date the entire building, containing over eight hundred (800) rooms, will be finished.

In addition to the rooms above referred to, the upper or attic story can, at small expense, be finished and subdivided into one hundred and twenty (120) comfortable and commodious rooms, for patients.

At present the asylum contains seventy-five patients, and the number is rapidly increasing.

The Medical Superintendent, Dr. Edwin Bentley, is reducing his department to the most systematic and perfect order, and, by his well-known professional skill, and unceasing devotion to those under his charge, has shown himself most eminently qualified for his position.

SUMMARY OF THE FINANCIAL DEPARTMENT.

	Paid.	Unpaid.
<i>Building contracts completed.</i>		
J. Cochrane	\$81,900 14	
H. H. Knapp (lime, cement, and flooring)	57,943 70	
Cox & Colby (brick)	128,966 32	
Robert Ewing (laying brick)	138,550 00	
Conlin & Roberts (tin work)	4,216 36	
Pacific Cement Company (cement)	10,091 40	
Total	\$421,667 92	
<i>Estimate for work under contract, and other necessary work not contracted for.</i>		
Frear Stone Company (stone)	\$57,000 00	\$6,280 00
E. L. Mayberry (carpenter work)	108,868 25	58,074 75
Cast and wrought iron	15,396 05	11,158 00
W. F. Wilson & Co. (plumbing)	19,100 00	14,400 00
Cox & Warren (plasterers)	12,300 00	14,000 00
Noble & Gallagher (painters and glaziers)	3,000 00	24,552 25
Slate	20,138 81	7,434 00
James Hunter & Co. (galvanized-iron cornice)	23,364 25	14,209 75
Locks for the building		4,000 00
H. H. Knapp (flooring)	17,618 39	8,866 55
Richard Bishop (granite steps outside doors)	3,000 00	5,000 00
Encaustic tiles for kitchen, laundry, laboratory, and vestibules		8,466 00
Sixty marble mantels, fire-proof towers, and staircases		5,000 00
Total	\$279,785 75	\$181,441 30
Warrants on hand	\$40,000 00	
Cash on hand	1 00	
<i>Improvement of grounds and furniture.</i>		
Grading the grounds and building boundary walls around two court-yards of northern wing; also, tunnels connecting dead-house with the main building		\$30,643 00
Exercising sheds in courts, with large gates		4,000 00
Main sewer and cement drains		18,248 00
Twenty-eight telegraph machines for attendants' rooms, and telegraph apparatus and connections		7,000 00
Thirty-one electrical clocks and dials		2,200 00
One tower clock		750 00
One bell of 1,000 pounds weight		500 00
One electro anemoscope		200 00
Wrought-iron range and kitchen utensils		7,000 00
Wrought-iron bedsteads, dining tables, settees		7,101 80
Thirteen elevators		20,000 00
Furniture for drug store		2,500 00
Steam-heating apparatus for building		36,000 00
Frear Stone Company (coping for walls and dead-lights)		3,000 00
Frear Stone Company (stone, brick, and work in basement)		7,029 59
H. H. Knapp (lumber for fencing)		1,485 12
Carried forward		\$147,656 71

	Paid.	Unpaid.
Brought forward		
Water, drain-pipes, etc.	15,748 13	\$147,656 71
Small bills		6,000 00
Salary of the Board, Secretary and Treasurer, Architect, Clerk of the Works, office expenses, interest on borrowed money, discount on silver, exchange paid the Bank of California and Savings and Loan Society	49,163 47	10,000 00
Furnishing and salary of employes	5,629 98	
The three premiums for plans	3,000 00	
Estimates on plans, paid E. Farrell	200 00	
Construction, other than contract, advertising, temporary out-buildings, labor, etc.	13,676 78	
Total	\$87,418 36	\$163,656 71
<i>Supplementary work recommended by the Directors.</i>		
The building of dam for thirteen million gallons of water, with main equalizing cylinders, hydrants, and distributing-pipes		\$35,000 00
Inclosing the walls of southern courts		20,000 00
Principal entrance gates, lodge, and farm buildings		20,000 00
Roads and grounds		15,000 00
J. Cochrane (for stone)		10,141 00
Furniture		25,000 00
Contingent expenses		20,000 00
Total		\$145,141 00

NAPA, January 22d, 1867.

ABNER DOBLE,
ROBT. STERLING,
JOHN H. JEWETT,
C. HARTSON,
JAS. H. GOODMAN,
Directors.

8°

EXHIBIT C.

Detailed statement showing the cost of the land, water-works, building, grounds and walls, range and cooking utensils, furniture, farming implements, etc., up to date and completion of the Napa State Asylum for the Insane, and also total cost of supplementary work recommended by the Directors.

Contractors.	Amount of contract.	Deductions from contract.	Amount of work done at schedule rates.	Amount paid.	Amount due.	Amount due on completion.	Remarks.
John Cochran.	\$64,440 00		\$17,460 14	\$81,900 14			Labor and material.
H. H. Knapp.	61,833 76		6,000 00	75,562 07	7,738 58	4,860 58	Lime and cement.
H. H. Knapp.	20,327 45				16,301 49		Flooring.
Cox & Colby.	144,746 83			128,445 34	41,347 68		Brick contract.
Robert Ewing.	199,891 00	58,506 00	38,512 60	138,550 00			Labor and material.
Conlin & Roberts.	3,840 00		376 36	4,216 36			Galvanized-iron and tin work.
Pacific Cement Company.	9,900 00		191 40	10,091 40	6,000 00		Benicia cement.
Frear Stone Company.	63,280 00		10,377 09	57,000 00	29,709 54		Artificial stone.
E. L. Mayberry.	166,943 00		19,307 79	108,868 25	4,000 00	10,657 99	Carpenters and joiners' work.
Goddard & Co.	16,800 00		2,858 83	13,000 00	6,658 83	47,673 00	Cast-iron work.
John E. Stius.			3,770 81	410 00	3,360 93		Wrought-iron work.
John Kittridge.			2,396 05	2,396 05			Wrought-iron work.
Nutting & Son.			700 00		760 00		Plumbing and gasfitting.
W. F. Wilson & Co.	32,000 00		2,500 00	19,100 00	6,076 72	9,323 28	Plastering.
Cox & Warren.	24,800 00		3,500 00	12,300 00	5,620 00	10,350 00	Painting and glazing.
Noble & Gallagher.	27,052 00		800 00	3,000 00	3,000 00	16,852 25	Roofing-slate.
Perryin Slate Company.	23,200 00			17,031 00	4,000 00	2,119 00	Shingling.
George Mothersole.	5,600 00		1,000 00	3,166 00	447 00	2,986 99	Galvanized-iron and tin work.
James Hunter & Co.	37,574 00			23,364 25		14,209 75	Locksmiths.
Adams & Company.			6,000 00		2,131 30	3,868 70	Granite steps.
Richard Bishop.	7,485 00		600 00	3,000 00	2,000 00	3,085 00	Encasements.
M. Jones.	8,466 00				2,000 00	6,466 00	Mantels and grates.
Marble mantels.					25,000 00	11,000 00	Steam heating.
Baker Smith & Co.	34,980 00		1,020 00		6,000 00	4,650 00	Telegraph apparatus.
Electric Telegraph Company.	10,850 00				7,406 44		Range and cooking utensils.
Locke & Montague.			7,406 44		12,073 32		Wrought-iron belisteads.
Furniture.			12,073 32		845 25		One elevator.
O. P. Inghram.			845 25			19,164 75	Not contracted for.
Twelve elevators.							

Field & Co.	1,400 00				647 80	352 20	Inside gratings for windows.
Furniture for drug store.						2,500 00	Not contracted.
H. H. Knapp.							Fencing lumber.
Water-works and pipes.							Labor and material.
N. F. Cole & Co.							Furniture.
Salamander Felting Company.							Covering of steam-pipes.
F. A. Seaman.							Iron work.
J. S. Mott.							Chamber pots for female ward.
M. Flanagan.							Pantry window frames.
A. W. Henning.							Pantry window frames.
John I. Creighton.							Plaster room to show plasterers.
Zollner Evan and McBean.							Hair for plastering.
Miscellaneous expenditures.							As per R. Budding's report.
Medical department.							As per R. Budding's report.
Contingent expenses.							Salary Sec., Treas., Arch't, Di-
Wrought-iron registers.							For ventilation. [rectors, etc.
Cost of land.							As per R. Budding's report.
Totals.	\$1,003,809 31	\$58,506 00	\$247,986 16	\$801,891 84	\$215,945 13	\$202,107 25	

ABSTRACT OF TOTALS.

Amount of contract.	\$1,003,809 31	Amount paid.	\$801,891 84
Work done at schedule rates.	247,986 16	Amount due.	215,945 13
		Amount due on completion.	202,107 25
Deductions from contracts.	\$1,251,795 47	Total cost on completion.	\$1,219,944 22
	58,506 00	Work not contracted for.	26,654 75
Total.	\$1,193,289 47	Total.	\$1,193,289 47

EXHIBIT C.—Continued.

Estimated cost of supplementary work recommended by the Board of Directors.

The building of dam for thirteen million gallons of water, with main, equalizing cylinders, hydrants, and distributing-pipes -----	\$35,000
Inclosing the walls of southern courts -----	16,000
Principal entrance gates, lodge, and farm buildings -----	20,000
Roads and grounds -----	5,000
J. Cochrane, for stone -----	10,141
Furniture -----	25,000
Contingent expenses -----	20,000
Total -----	\$141,141

EXHIBIT D.

FACTS IN REFERENCE TO THE NAPA STATE ASYLUM FOR THE INSANE.

SAN FRANCISCO, February 8th, 1876.

First—At the time of the last Legislature, eighteen hundred and seventy-two-three, the Board of Directors, having made considerable progress in the construction of the foundations of the new building, submitted estimates for the entire work, together with tenders for the brick and stone work, and carpenters' and joiners' work, obtained by public competition.

Second—These estimates and tenders included numerous improvements on the original scheme of construction, suggested by and to the Board during the progress of the work, and while the detail plans of the building were in preparation, and which had been adopted by the Board provisionally only, pending their final approval and acceptance by the said Legislature.

Third—These improvements included additional thickness of walls rendered necessary on account of improvements in ventilation; pressed brick facing of fronts, Frear stone dressings, galvanized-iron cornices, hard-wood flooring and cedar finish, and were finally adopted by the Legislature.

Fourth—The former Legislature of eighteen hundred and seventy-seventy-one had originally granted two hundred and thirty-seven thousand dollars towards the construction of a new asylum. About thirty thousand dollars of this sum was expended in the purchase of a site, and the securing of water privileges, and the construction of water-works, leaving about two hundred and seven thousand dollars applicable to the Building Fund.

Fifth—The last Legislature, eighteen hundred and seventy-two-three, to whom was presented the estimates for the improved structure, amounting, in all, to eight hundred and thirty-eight thousand dollars, granted, in addition to the former appropriation, six hundred thousand dollars, making, in all, eight hundred and seven

thousand dollars, or thirty-one thousand dollars less than was required for carrying out legalized contracts.

Sixth—No provision has at any time been made for defraying the necessary running expenses, including clerk hire, officers' salaries, advertising, and other incidental expenses.

Seventh—In consequence of the rise in the price of materials, arising from the large amount of building which, during the last two years, has been carried on in San Francisco, the whole of the contracts, except those awarded at the date of the last Legislature, were let at an advance of from fifteen to twenty per cent. on the original estimate.

Eighth—To prepare the building for the reception of patients at as early a day as possible, the Board of Directors were obliged to expend considerable sums in the purchase of furniture, the grading and inclosure of ground, and other unavoidable expenses incidental to the occupation of the building by patients before it was ready to receive them.

Ninth—Although the building has now been occupied several months, and there are more than one hundred patients in charge of the Superintendent, not one dollar has as yet been provided by the Legislature for their support or for the running expenses of the asylum.

EXHIBIT E.

MARYSVILLE, January 31st, 1876.

P. J. O'Connor, Secretary Senate Committee on Public Buildings and Grounds:

DEAR SIR: Your favor of the twenty-eighth has been received. It contains the following marvelous assertion, viz: That the Board (of Directors of the Napa State Asylum for the Insane) assure the committee that none of the alterations made in the specifications were suggested by them, but the Advisory Committee, of which you are a member, insisted upon the changes, and they yielded to "their superior knowledge," etc.

This bold and unequivocal assertion has taken me more completely by surprise than anything I have heard since the latter part of November, eighteen hundred and seventy-three, when I learned, for the first time, that the asylum at Napa was to cost more than six hundred thousand dollars. Mr. Jewett, of this city, and one of the Directors of the Napa Asylum, on his return from the November meeting, eighteen hundred and seventy-three, gave me this information, and stated further, that up to the time of said November meeting, both Dr. Morse and himself were under the impression that the asylum was to cost but six hundred thousand dollars, and if he did not say so, in express terms, he certainly left the impression upon my mind that he had been imposed upon, if not deceived, by some one or more persons, and that he would assume no responsibility, whatever, in adopting the proposed changes, but would let them be submitted to the Legislature, then about to convene—that it might accept or reject the proposed changes as might, in their discretion, seem best.

When I learned that the buildings would cost more than eight hundred thousand dollars, instead of six hundred thousand dollars, I wrote Mr. Wright an earnest letter, expressing my astonishment and regret—told him that my opinions against extravagant expenditures, in the erection of asylums, were on record, and that I could not go before the Legislature and ask an appropriation sufficient to carry out the changes that had been suggested, nor did I think it would be made. This letter was dated November twenty-seventh, eighteen hundred and seventy-three, and his reply, now in my possession, was dated on the third of December, eighteen hundred and seventy-three. In it he sets forth the reasons why the changes were proposed, and if your committee desire to see his letter it is at their disposal.

I have carefully read the special report of the Directors of Napa State Asylum for the Insane, recently made, but can find no assertion to the effect that the changes made, after the adoption of the plan of Wright & Sanders, was advised by the Advisory Board. In fact, the Advisory Board ceased to exist after the adoption of the plan, as was expressly provided for in section seven of "An Act to provide further accommodations for the insane of the State of California," approved March twenty-seventh, eighteen hundred and seventy-two.

It is true, as stated in the special report of the Directors, recently made, that "on the twenty-third day of January, eighteen hundred and seventy-three, there was a joint meeting of the two Boards to inspect and consider the various plans for an asylum received by the Board of Directors, and select the one best adapted for the purposes intended." It is true that Doctors Morse, Shurtleff, and myself expressed a decided preference for the plan submitted by Wright & Sanders; and in this opinion the Board concurred. It is true that certain objections to the plan were made by Doctor Shurtleff and myself; and it is also true that we advised the Board of Directors to adopt the plan of Wright & Sanders, provided that satisfactory evidence should be furnished to convince them that the changes we had suggested could be made, and the building erected for the sum of six hundred thousand dollars. But it is not true, either in the letter or spirit, that the Advisory Board ever insisted on any change, after the plan was adopted by the Board of Directors.

Much discussion was had at this joint meeting, relative to the cost of the asylum; Doctor Shurtleff and myself agreeing that we would advise the adoption of no plan that could not be constructed for six hundred thousand dollars—or twelve hundred dollars for each patient to be accommodated.

Governor Booth gave it as his opinion that the plan of Wright & Sanders would cost, when completed, a million of dollars. This Doctor Morse thought was unjust to those gentlemen, as they had been recommended as men of high character and strict integrity, who would be above so glaring a deception, and so expressed himself. I felt the same way, as Governor Haight and Mr. Estee had commended them in the highest terms.

The Board of Directors therefore adjourned to such time as would enable them to ascertain, as definitely as possible, what the buildings would cost. This meeting was held in San Francisco, on the eleventh of February, eighteen hundred and seventy-three. I did not attend; but wrote a letter highly commending the plan of Wright & Sanders,

pointing out its admirable features, and what seemed to me its defects. The Board of Directors were satisfied that the asylum could be completed for the sum of six hundred thousand dollars, and adopted the plan. As before stated, the Advisory Board had performed its duty and ceased to exist after the adoption of the plan.

The asylum, when completed, will certainly be one of the best in the world, and I have every reason to believe that it could not be duplicated for the money it has cost; and if it were not for the fear that its cost may bring this noble charity into disrepute and cause our Legislature to delay too long in making other necessary provisions for the insane, I would almost rejoice that the committee of your honorable body recommended the Legislature to adopt the changes that were submitted by the Board of Directors two years ago, and that their recommendation had been concurred in by both houses.

In conclusion, I desire to say that if any statement in this communication should be denied or questioned I hope your committee will give me the privilege of meeting such person before the committee.

I am, very respectfully, your obedient servant,

E. T. WILKINS.

EXHIBIT F.

Detailed statement showing the amounts due the contractors of the Napa State Asylum for the Insane, and others, on the 16th day of March, 1876, and the amounts which will become due on the completion of the building.

Names.	Amount now due.	Amount due on completion.	Remarks.
H. H. Knapp	\$13,717 39	\$2,000 00	Lime and cement and flooring.
Cox & Colby	15,557 48		Brick contract.
Robert Ewing	30,234 47		Labor and material.
Frear Stone Company	6,000 00	10,657 09	Artificial stone.
E. L. Mayberry	47,867 19	30,000 00	Carpenters' and joiners' work.
John R. Sims	3,360 91		Wrought-iron work.
Nutting & Son	700 00		Wrought-iron work.
W. F. Wilson & Co.	5,386 03	9,447 77	Plumbing and gas-fitting.
Cox & Warren	7,988 20	8,575 11	Plastering.
Noble & Gallagher	12,000 00	12,852 25	Painting and glazing.
Penryhn Slate Company	4,000 00	2,119 00	Roofing slate.
George Mothersole	447 10	3,419 40	Slatting.
James Hunter & Co.	3,998 65	10,211 10	Galvanized iron and tin work.
Adams & Co.	2,131 30	3,868 70	Locksmiths.
Richard Bishop	2,505 62	3,085 00	Granite steps.
M. Jones	2,000 00	6,466 00	Encaustic tiles.
Marble mantels	880 00	4,120 00	Mantels and grates.
Baker, Smith & Co.	35,640 61	1,600 00	Steam heating.
Electric Telegraph Company	6,000 00	4,650 00	Telegraph apparatus.
Locke & Montague	7,163 00		Range and cooking utensils.
Furniture	11,510 77		Wrought-iron bedsteads.
O. P. Inghram	845 25		One elevator.
Twelve elevators		15,000 00	Not contracted for.
Eckfeldt & Co.	795 40	204 46	Inside gratings for windows.
Furniture, drug store		2,500 00	Not contracted for.
H. H. Knapp		3,000 00	Fencing lumber, fire-brick, etc.
Carried forward	\$220,729 37	\$133,775 88	

EXHIBIT F.—Continued.

Names.	Amount now due.	Amount due on completion.	Remarks.
Brought forward	\$220,729 37	\$133,775 88	
N. P. Cole & Co.	35 00		Furniture.
Salamander Felting Company.		3,000 00	Covering steam pipes.
F. A. Seamen	845 25	2,964 00	Iron work.
A. P. Perine	3,004 07	1,381 00	Asphalt. and temporary roofing.
Wright & Sanders	16,109 97	7,056 04	Architects.
Abr. Doble	274 40		Director.
James H. Jewett	81 00		Director.
C. Hartson	50 00		Director.
R. H. Sterling	70 00		Director.
J. H. Goodman	50 00		Director.
W. C. Watson	200 00		Secretary and Treasurer.
George Hout	162 00		Laborer.
W. H. Holliday	257 00		Laborer.
John C. Molloy	111 00		Laborer.
Lewis Burger	123 75		Laborer.
K. Gudmonson	316 50		Laborer.
M. Gibson	259 50		Laborer.
Thomas Mothersole	64 50		Laborer.
George Mothersole	55 50		Laborer.
A. Coutts	171 00		Laborer.
A. R. Tucker	960 00		Clerk of works.
F. A. Miller	367 50		Bricklayer.
W. W. Bispie	324 00		Bricklayer.
Contingent expenses		15,000 00	
Mrs. Slocum	30 00		Printing.
Totals	\$244,651 31	\$163,176 92	

SUPPLEMENTARY WORK.

Estimated cost of supplementary work recommended by the Board of Directors.

The building of a dam for thirteen thousand gallons of water, with main, equalizing cylinders, hydrants, and distributing pipes	\$35,000 00
Inclosing the walls of southern courts	16,000 00
Principal entrance gate, lodge, and farm buildings	20,000 00
Roads and grounds	15,000 00
J. Cochrane, for stone	10,141 00
Furniture	25,000 00
Contingent expenses	20,000 00
Total	\$141,141 00

DEAF, DUMB, AND BLIND ASYLUM.

The Senate Committee on Public Buildings and Grounds met at the office of the Asylum, at Berkeley, on Wednesday, January twelfth, eighteen hundred and seventy-six. Present—Senators Donovan, Hill, and Spencer. Absent—Senators Evans, Beazell, Haymond, and Nunan. J. Mora Moss, Hamilton, Barker, Crane, and Shattuck, Directors, not present.

WARRING WILKINSON, sworn by the Chairman.

Question—What is your position?

Answer—My position is that of Principal of the Institution.

Q.—How long?

A.—Ten years.

Q.—When was the building destroyed?

A.—January seventeenth, eighteen hundred and seventy-five.

Q.—What is the cost of this building?

A.—Fourteen thousand eight hundred and seventy dollars.

Q.—What was the fee of the architect?

A.—Seven hundred and forty-three dollars and fifty cents, which sum was presented to the institution.

Q.—Do you know the cause of the fire?

A.—I do. [Gave a description, as in page 15 of his report.]

Q.—Was there any exception taken to the defective flue?

A.—No.

Q.—Any to the construction of the building?

A.—Yes, in the newspapers, but I was in the East at the time, and know nothing of my own knowledge.

Q.—Have you ever conversed with mechanics as to the character of the structure?

A.—No.

Q.—Did you examine the walls burnt?

A.—Yes, but I am not a judge of such work.

Q.—What was the first appropriation?

A.—One hundred and fifteen thousand dollars; the old property sold for thirty-four thousand dollars, which makes the whole amount to one hundred and forty-nine thousand dollars. The contractors got further money from the Legislature—Emery twelve thousand dollars, and McCready twenty-five thousand dollars—making the cost to the State one hundred and eighty-six thousand dollars, and four thousand dollars for heating apparatus.

Q.—Does that include stationary furniture?

A.—Yes; we had our pupils make the desks.

Q.—Have you the plans?

A.—No; the plans do not belong to the State; a premium of one thousand dollars was paid, and the percentage paid the architects, Messrs. Wright & Sanders, was three thousand nine hundred and fifty dollars, including the one thousand dollars for premium. [Reads report September eighth, eighteen hundred and sixty-nine.] It was six hundred dollars, not one thousand dollars, as before said.

Q.—Was there any other expenses?

A.—No, sir.

Q.—How soon was the painting done again?

A.—In two or three years.

Q.—Did you receive five thousand dollars for a terrace in front of the asylum?

A.—Yes.

Q.—How much money have you spent?

A.—About one-half for the improvement of grounds and plants.

Q.—Was the terrace necessary? Why not slope it?

A.—We have not water enough to keep it green.

Q.—Is not a stone wall dangerous?

A.—It was to be protected by a fence.

Q.—Is that not an extravagance?

A.—I think not.

Q.—Would it have added to the convenience of the building?

A.—No; but it would have beautified the grounds.

Q.—Do you not consider such beautifying extravagant?

A.—No; on the contrary; it is as necessary as any other thing around the building; its effect on the eye is pleasant.

Q.—Did not this committee report against, or decline to report for the cost of the terrace?

A.—No, sir; nor any other committee. The Committee on Finance reported for us.

Q.—How did it come before them without a recommendation from this committee first?

A.—I don't know.

Q.—What sum do you want for a new building?

A.—The Board requires three hundred thousand dollars to erect such a structure as would accommodate two hundred and fifty pupils.

Q.—What would the furniture cost?

A.—Ten thousand dollars; our present furniture would answer.

Q.—How many pupils have you?

A.—One hundred.

Q.—How many in the destroyed building?

A.—One hundred and forty.

Q.—Why so large as for two hundred and fifty pupils?

A.—There is a continued increase of pupils from the continued increase of population, as there is a certain proportion of subjects—say one in two thousand—almost certainly to be calculated on—say one in two thousand deaf, dumb, and blind—one in one thousand eight hundred.

Q.—How long before you would expect two hundred and fifty pupils?

A.—In ten or twelve years.

Q.—Do you think it proper to erect such a building and then have to wait so long before fully needed?

A.—I would arrange a plan in sections; I would like the first story finished, as we have four classes deaf, dumb, and blind.

Q.—Was the former building suitable for its purpose?

A.—It was nearly perfect; the rooms were a little small.

Q.—If you want a building why not draw a rough plan of what you require; it will be necessary before you get an appropriation?

A.—It is proposed to have a plan for that purpose; we have not one now. I shall be in Sacramento in a few days and present one for your consideration.

Q.—Do you conduct religious exercises?

A.—Yes. I conduct them on a broad religious ground.

Q.—Are there any parties here who know about the walls?

A.—No.

Q.—What is the proportion of deaf and dumb to blind?

A.—Two-thirds deaf and dumb, and one-third blind, and not more than two hundred and fifty should be together.

Q.—Is it usual to separate the sexes?

A.—There is only one in the country where it is done.

Committee adjourned to meet at the call of the President.

STATEMENT OF WARRING WILKINSON BEFORE THE ASSEMBLY COMMITTEE.

Since I was here before I have had a consultation with the Board. I would like to have this committee lay aside all remembrance that they saw a plan down at the institution. I don't want them to remember that they saw a plan which was a fancy sketch of an architect, and which I had nothing to do with whatever. Since then I have received very strong letters from Doctor Howe, who died a few days ago in Boston. They have adopted in Boston, the cottage. He was very anxious, he said, we should introduce it here. The general idea is, putting up a series of buildings each complete in itself. Of course the general building is not far off. Each of these cottages harbors a certain number of persons and enables us to keep up the family relation—something of it—better than could be done in a single large institution.

What we propose is to ask of this committee one hundred thousand dollars. With that we would be able to put up such completed buildings as would relieve all our present necessities. By using the upper stories of the building we are now in, it would be from four to six years before it would become necessary to come here for another appropriation.

This plan would enable us to keep separately the deaf and dumb, and the blind. That is the proposition which the Board desire now to lay before you. They propose to put up plain buildings, simple in their structure, and in their interior arrangements perfect. A building which shall not easily burn down, and which shall contain good doors and walls, excellent floors, etc.

We wish only as much as will be absolutely necessary to make these buildings presentable, but not in the labored style so much in vogue for some time.

Q.—There is a good deal of stone work there that would answer for foundations?

A.—Yes, sir.

Q.—Have you a design of that style of building?

A.—No, sir. It would require a complete modification of our present ideas. I have had a letter from a New York institution, also one from Washington, urging the same thing. It is a plan which has crept into favor. The family relation, which is entirely destroyed by the present system, we wish to preserve as far as possible. If this plan were adopted, we could accommodate all we have now—about one hundred. We could utilize the building we now have; we could then take all the lower floor and put it into shops. It has been said that we do not teach trades; that is a wrong impression. We take particular pride in that. The trades introduced, so far, have been shoemaking, cabinet-making, and basket-making. All the furniture in our building that was burned was done by our own work, with the exception of sheets, etc. Having our shops at hand, we could put our pupils to work.

Q.—Would that appropriation be sufficient for furniture?

A.—No, sir. I won't ask anything additional for furniture, because we have seven thousand dollars' worth purchased for the institution with special reference to being permanently used. With what we have got now, and what we could make, we could get along very well. I don't think it would be necessary to ask anything for furniture.

Q.—Your needs now being urgent, you would require this for this year?

A.—Yes, sir; between now and before the next session of the Legislature.

Q.—Why? Cannot you get your building up within one year?

A.—Yes, sir; I think so.

Q.—I suppose you can get material there?

A.—Yes, sir; we should spend six weeks or two months on the plans. We propose to have everything understood so there will be no mistake on the plans. I will send to Boston for all the plans they have, which we can change to suit ourselves. I understand that the interior arrangement is better, and the cost cheaper, than the other kind of building. The buildings we intend to have of brick, standing a little apart from one another, so that fire could not communicate. Their distance from the main building will not be very great—across the plowed field—and the children will have no further to walk than other children have in going to school.

STATE UNIVERSITY.

Senate Committee on Public Buildings and Grounds met at the State University on Thursday, January thirteenth, eighteen hundred and seventy-six, at ten o'clock A. M. Present—Senators Donovan, Hill, Spencer and Beazell. Absent—Senators Haymond and Nunan.

The committee, without being formally called to order, proceeded to examine into the source of the water supply and the State's right thereto. Professor Soulé, of the College of Engineering, accompanied the members in the examination of the creek source, and testified that he made a careful survey of the whole ground of the University, and of the water-shed adjoining, and was satisfied, from actual measurements by him, that the Heywood Springs would be sufficient for the wants of the University, and that for irrigation it would be necessary to dam the creek. For full details of the water supply, its source, and cost of improvement, he referred us to his report and map on that subject.

The President, Professor John LeConte, then showed the members through the buildings, and showed the wants of the Faculty to be—first, a fire-proof building for the safety of the museum, library, and instruments, which are now exposed, and additional buildings for the Colleges of Mining and Mechanics, and referred to the report of the Faculty for further details.

After a thorough inspection of the several buildings the committee adjourned to meet at the Asylum for the Deaf, Dumb, and Blind. The source of water supply for this property was then examined and found to consist of two small wells—one partly enlarged, and the other, the main supply, improved with a tank of brick containing about twenty-three thousand gallons; which was only sufficient for the use of the inmates, none being available for irrigation.

The committee then adjourned to meet at the office of the Board of Regents of the State University, at number seven hundred and twenty-eight Montgomery street, San Francisco.

Committee met at the office above named on Friday, January fourteenth, eighteen hundred and seventy-six. Present—Senators Donovan, Hill, Beazell, Spencer, and Nunan. Absent—Senator Haymond.

The Chairman requested the production of the various maps, deeds, reports, and such other documents as would be calculated to enlighten the committee on the subject of the water supply and title to the lands upon which the springs adjacent to the University have

their source. J. W. Shanklin, the agent for the sale of University lands, placed at the disposal of the committee the following maps and documents:

- No. 1—Deed of Z. B. Heywood to the College of California.
- No. 2—Deed of Trustees of the College of California to the State of California.
- No. 3—Deed of President and Board of Trustees of the College of California to the State of California.
- No. 4—Deed of College of California to the California College Water Company.
- No. 5—Deed of Z. B. Heywood to the College of California.
- No. 6—Deed of Board of Trustees of the College of California to the State of California.
- No. 7—Deed of Regents of the University to Mary E. Brayton.
- No. 8—Deed of President and Board of Trustees of the College of California to the State of California.
- No. 9—Deed of California College Water Company to the State of California.
- No. 10—Agreement of G. M. Blake with the Regents State University.
- No. 11—Agreement of California College Water Company with the President of the College of California.
- No. 12—Certificate of stock of California Water Company.
- No. 13—Certificate of stock of California Water Company.
- No. 14—Report of McCullough & Boyd on title to forty acres of land adjoining University, west.
- No. 15—Proposition of Mary E. Brayton.
- No. 16—Extracts from official records of California College Water Company.
- No. 17—Parchment deed from the College of California to the University.
- No. 18—Map of grounds on tracing-cloth, marked A at the corner.
- No. 19—Map of Strawberry and vicinity, by Professor Soule.
- No. 20—Map of lands conveyed to Mary E. Brayton by Wm. Hammond Hall.
- No. 21—Four maps marked B C D E, accompanying Professor Soule's map.
- No. 22—Plans of proposed Library and Museum.
- No. 23—Plans of proposed Mining and Mechanical Colleges.
- No. 24—Four small copies of Professor Soule's map.

J. W. DUNCAN, SWORN.

Was Superintendent of Construction, elected April fifteenth, eighteen hundred and sixty-nine, and resigned January first, eighteen hundred and seventy-four. On assuming my duties, I found a great scarcity of water, and made a requisition on the Board of Regents for authority to improve the water supply. Was so authorized to repair reservoirs, open and clean the springs. Did so at two springs, and laid one thousand two hundred feet of pipes connecting with the old flume. Laid a pipe connecting with the reservoir, and from the Brayton reservoir to the buildings. The books of the Superintendent, now on file, would give you more detail of the work done than I can now recollect. This work was done in eighteen hundred and sixty-nine. Nothing further was done until eighteen hundred and seventy-three; then six more springs were excavated, and I made a map of the ground, showing spring's distances and altitudes, with the courses of the pipes—this is known as the Hawkins' map. We excavated the Heywood Springs, cleaned them out, and fenced them in. Regent Dwinelle accompanied me in my examination of the various springs; he took great interest therein, and was satisfied with my work. Professor LeConte also accompanied me and Professor Soule. I insisted on the pipes being laid, but owing to the lack of funds it was not done. Bills for all this work were made out to the University, and paid on the recommendation of Regent Dwinelle. No objections were made by any person to improve the springs, until the Brayton sale, and Mr. Livermore objected; the Brayton sale took place in eighteen hundred and seventy-two; the records will give the date. While at work on the water supply, after the sale, Livermore called on me and asked me my authority for doing so, and I gave him the Board of Regents as my authority. He asked me if I insisted on proceeding with my work. I answered, yes; until stopped by law or

the Board of Regents. He claimed the right to them, and said that anything that I would do, being a trespass on my part, did not affect his rights. This was the only objection made on the undivided property. There was objection made by the tenant of the Heywood Springs.

Mr. Hill—What amount of money was paid for water improvement in eighteen hundred and sixty-nine?

A.—Four thousand two hundred dollars, a portion only being spent on the Brayton property—on the undivided property, about two thousand three hundred dollars.

Mr. Spencer—How much was spent on the undivided property subsequent to the sale?

A.—About two thousand five hundred dollars, which included the improvements on the springs.

Q.—Was the right to the springs asserted by the College of California?

A.—They made the first steps thereto, but did not perfect them.

Mr. Hill—When Livermore protested, did you report it?

A.—Yes; to the President and Regents Dwinelle and Merritt; but they did not think it important. The condemnation of the springs by the College of California was before the University was formed, and before my time.

Mr. Donovan—Mr. Dwinelle visited the springs more than any other of the Regents?

A.—He was very close in his attention to that work, and also to the building during its progress. The condemnation of the springs alone would not answer; you must have the land, particularly with open reservoirs.

JOSEPH W. WINANS, SWORN.

There was originally a water company which had the water-right, but by some inadvertence the separate ownership was lost before the conveyance to Brayton. When the conveyance to Brayton was made it carried the water-right with it, as I understand it, but reserved to the University the right to carry water over the surface of the land (Brayton's), or at a short distance under it, through pipes, in such a manner as not to interfere with the agricultural employment of the land. The sale of the land to Brayton was in settlement of a question between the College of California and Mr. Brayton, as I understand it. A reservoir was constructed, which is on the Brayton land. These things all occurred before the matter was referred to the Land Committee of the Board of Regents, and before my appointment as Regent. As the difficulty existed that the reservoir was on the land of Mrs. Brayton, and it was likely to become necessary to carry the water through pipes over it, the subject was referred to the Land Committee, of which I am Chairman, I think about one and a half years ago, to ascertain what arrangement could be made, or settlement with Mrs. Brayton, who then was and still is the owner of the Brayton land, her husband having deceased. It had been ascertained that the description in her (the Brayton) deed could not be reconciled to the actual situation of the land, according to natural boundaries and landmarks. It was hoped that the inducement which should be held out to her to have a new and correct deed made, which should conform to the actual condition of the land intended to be granted, would prompt her to a favorable settlement of the question.

[Brayton deed of November twenty-eighth, eighteen hundred and seventy, read by witness.] Mr. Dwinelle has the most correct knowledge of this subject. It appears from this deed that the right reserved to the University to enter upon said land and lay pipes for the conveyance of water was so limited that it should not interfere with the use of the land for cultivation by Mrs. Brayton. This limitation has proved of no value to the Brayton conveyance, because I have ascertained, and Mrs. Brayton has informed me, that she considers that the land conveyed to Brayton, upon which the water is located or from which it springs, is barren and rugged, and unfit for agriculture. When this subject was so referred to the Land Committee, as above stated, they proceeded, in accordance with the authority of the Board of Regents, to have a survey made of the land of the University and of Mrs. Brayton, by a surveyor named William Hammond Hall, for the purpose of determining whether Mr. Brayton's deed did agree with the condition of the land as surveyed. The survey made by Mr. Hall determined it did not. The committee, thereupon, after delay caused by her absence from the State, had an interview with Mrs. Brayton, at which they stated the difficulty which existed in the description of her deed, informing her, at the same time, the Regents were willing to correct and desired to amicably adjust the water question. She stated that whatever difficulty existed in the deed, if any, was to her a matter of no concern, as she did not desire correction. The committee, thereupon, asked her if she would be willing to sell to the University that tract of the land conveyed to her, which, although small in area, was the portion contiguous to the water supply. She stated that she did not desire to sell a portion, but would sell all to the University at what she termed an exceedingly low price, inasmuch as she had, from a desire to accommodate the University, retained the land from sale to others at a high price, because she was satisfied the University would ultimately need it for water purposes. As she was unprepared to state definitely whether she would sell the portion named by the committee or would not sell less than the whole—and in either event she was unprepared to name a price—the interview terminated with an understanding that she would take the question under advisement, and, upon reaching a determination, would apprise the committee thereof. She subsequently, through her agent, sent in a communication to the committee stating her willingness to sell all the land, and naming a price which was represented as exceedingly reasonable. The sum named, I do not now remember. Before any meeting was had of the Regents, whereby the committee could be enabled to report to them this offer, the said agent of Mrs. Brayton addressed another letter to the committee, in which he substantially stated, on her behalf, that, in consequence of the indifference with which her offer, which was intended for the benefit of the University, had been treated, she peremptorily withdrew from her first offer. This terminated all negotiations with her, and left the subject *in statu quo*, where it at present remains. The indifference she complained of was imaginary, as neither the committee nor the Regents had an opportunity of acting on the matter between her first and second communications.

Mr. Donovan—From your reading of the deed does it give the University the right to improve the water supply?

A.—I think it does, as the land is rugged—unfit for agriculture.

Mr. Hill—Do you know what land Mrs. Brayton wanted to sell?

A.—All of the property held by her at the University, as I understand.

Q.—What steps have been taken as to the Heywood Springs?

A.—None whatever.

Mr. Nunan—Is there a law existing as to the condemnation of land and water?

A.—Yes; but it is an expensive process.

Mr. Hill—What is best for the State to do?

A.—The best course is to purchase the land at a fair valuation—if it cannot be had for that, then condemn it.

Q.—The University is receiving seventy-five dollars per month for water; the proper way is to secure the Heywood Springs.

[Witness reads Heywood's deed, December fourth, eighteen hundred and sixty. The Legislative Committee of the Board of Regents is Hager, Stebbins, Haight, Felton, Martin.]

Q.—Does the Board of Regents control the rights of the College of California to the water?

A.—Yes.

JOHN W. DWINELLE, SWORN.

Was a Regent from the first organization until April, eighteen hundred and seventy-four. Was a Trustee of the College of California, and still am one, as the incorporation still exists. Some time in eighteen hundred and sixty-six Mr. Willey, Vice President of the College of California, and a Trustee, asked me if the springs on the college lands could be condemned by an incorporated water company. I said yes. He said it was important to retain the springs, and asked me to devise a plan by which they could be retained. I caused to be formed a water company, called the California College Water Company, by articles of incorporation, dated July twenty-seventh, eighteen hundred and sixty-six, and filed next day, with five trustees—all Trustees of the College of California—of which I was the President, Rev. J. A. Benton, Secretary. The corporation applied to the College of California, and procured a deed of their water-rights, springs, etc., and the right to erect dams and basins in Strawberry Creek, the right of way for flumes, pipes, etc., dated September fifth, eighteen hundred and sixty-six. We gave them half the stock as a consideration of the conveyance, and made an agreement to dam the basin of Strawberry creek, at its outlet, within one year after date, and hypothecated to them the other half of the capital stock as a security for our agreement to build the dam. This was a device to prevent our water from condemnation by transferring to the water company the privileges above mentioned. We did not build the dam. At the end of the year the college asked us to deliver absolutely the stock held by the water company to them, and not put them to the expense of a law suit to enforce the agreement. We delivered the stock. That left an outstanding valid water company owning the water, right of way, etc., and the College of California owned all the stock. The company borrowed of the College of California its library fund of seven thousand five hundred dollars. Mr. Willey superintended the construction of the flumes, collecting of water, reservoirs, etc. I superintended the laying of the pipes. While in Europe, in eighteen hundred and sixty-nine, the Regents of the University made an arrangement by which

they assumed all liabilities of the College of California, and the College of California assumed to convey to the Regents all its property. Among the conveyances made to carry out the understanding was one dated November twenty-sixth, eighteen hundred and sixty-nine, by which the water company conveyed to the Regents all the water purchases and easements of every description, except a possible right to the waters of Wild Cat and San Pablo Creeks, which do not enter into this matter. At the time of making the Brayton deed I did not know that the water company had deeded the water rights to the Regents. I supposed the water company was still outstanding, owning its rights, and that the Regents owned all the stock of the company. One other advantage that I proposed in organizing the water company was that the College of California Water Company was tenant in common with the owners of the hilly lands in which the springs were, and one tenant in common cannot get a title by prescription against a co-tenant in common. But if the springs had been used five years by the water company, I thought it would make a title which would be of service to the company. But when the deed was made by the water company to the Regents, they became tenants in common with the other owners of the hill land.

Mr. Spencer—Do you, from all the circumstances of the case, think that the best way to proceed would to condemn the water right, etc.

A.—I think so.

Mr. Donovan—From what you know of the springs in Strawberry Valley, have we a title?

A.—I don't think you have.

Q.—The Regents have spent money in improving the Haywood Springs?

A.—They have.

Q.—As it stands, the parties owning the lands upon which the springs are situated can at any time cut off the supply of water and take the improvements?

A.—On the assumption that what I hear is true, they have no title. For eight years I was interested in this case, and was chagrined at the change. All the springs are in the undivided portion. Possibly lawyers, to whom this matter is a special subject of inquiry, might say, the Regents had an undivided right as tenants in common to the springs—you cannot divide the easement from the soil. If a person was to occupy a specific tract of land, and gave me a deed of right of way over that land, I would not lose my right of way over that land, if in a subsequent partition that land was set off to my grantor, nor my individual interest in that right if that land was set off to any other tenant in common, provided my deed was recorded when the partition was made, and I had not provided for it in the partition.

A. J. COFFEE, SWORN.

I am an engineer, and made a partition of the land around Berkeley; it was mountain land, and I reported to the Third District Court of Alameda—the reports and map is on file in County Clerk's office. The land is back of the University, in Strawberry Valley. The water-shed of Strawberry Creek was awarded to Glasscock, Leroy, and Barhoilett, and Mrs. Pfeifer—all of the water-shed except Heywood's, who, it seems, sold to J. W. Shaw. Leroy sold to Barhoilett

The land immediately back of the University is owned by Barhoilett, Shaw, and Pfeifer.

Mr. Beazell—Does not the bed of Strawberry Creek belong to Mrs. Brayton?

A.—Mrs. Brayton owns a strip which crosses Strawberry Creek. The springs opened by Duncan are not on the Brayton land; these springs are principally on the land owned by Barhoilett and Pfeifer; the pipes are through the land of Glasscock and Brayton.

Q.—Was the Heywood Springs on the undivided land?

A.—Yes.

Q.—Did the University have any interest in the Heywood land?

A.—Don't know. The Heywood Springs were on the land we divided.

Q.—If the University ever had any interest in the undivided land she would have an interest in the springs?

A.—The land we divided was in the Peralta Ranch.

Q.—How many acres are in the undivided tract?

A.—About two thousand eight hundred acres.

Q.—Do you know what proportion the University owns?

A.—I don't know enough about it. There is about five hundred acres in the water-shed—the Heywood part, eighty-five acres. The Commissioners with me were E. C. Sessions and G. Potter. Sessions has an abstract made of the rights of the University, which can be had in his office.

J. W. SHANKLIN, SWORN.

My position is land agent of the University.

Question—How much remains unsold?

Answer—See report to July first, eighteen hundred and seventy-six.

Q.—That report gives all you know?

A.—They are sold for five dollars per acre—the excess over one dollar and twenty-five cents, goes to the University.

Q.—Have the lands of the University been segregated?

A.—No.

Q.—Could you give us the names of those who own the land?

A.—Yes.

Q.—Was there any limit to the quantity sold to one person?

A.—No.

[The books were produced and partially examined.]

STATEMENT OF ROBERT E. C. STEARNS BEFORE THE ASSEMBLY COMMITTEE.

The aggregate amount of our demand is two hundred and sixty-six thousand dollars. The first item is for one hundred thousand dollars, for the erection of a large building for the library, museum, and Secretary's office. As far as regards the exterior of this building you can make that as plain as possible—all we ask is that the interior accommodations be such as will be suitable.

The second item is ten thousand dollars, for an auditorium and drill-room.

The Senate committee object to go to that expense, and propose to have it in the basement of the building spoken of in the first item. It is also proposed to rough-finish the attics, and utilize them for

museums and other purposes, with which arrangement we are perfectly satisfied.

The third item is forty-thousand dollars, for the erection of a plain, substantial building for the departments of mechanics and mining. The closest kind of estimate brings it to thirty-five thousand dollars. The lower part of that building not to be finished in the inside, the floor timbers are to be heavy timbers, so that gearing, machinery, etc., can be attached.

The other items do not come within this committee's scope. The sixty-six thousand dollars we ask for is to meet the deficiencies between the current expenses of the University and its income. Our income is ninety-five thousand dollars a year—fifty thousand dollars derived from the sale of swamp lands, and forty-five thousand dollars from the National Government from the sale of agricultural lands. The sale of these lands is not yet completed, but we receive the interest on the purchase price of them, which amounts to forty-five thousand dollars a year.

The whole is contained in our biennial report. With regard to the agricultural grounds, the Senate committee did not seem disposed to consider that favorably.

To Mr. Bagge—The University succeeded to the rights of the California College in a certain portion of a ranch then not divided. They had an undivided interest in the ranch, but no partition had been made. There were springs of water which the University used on said ranch. The University's undivided interest was conveyed to Mrs. Brayton for certain property in Oakland. She subsequently sold that interest to outside persons. The University still continues to use the water, and nothing has been said against it. The University owns an absolute right to the water of the Heywood Springs, to which it is entitled as successor of the College. We ask for twenty-two thousand dollars (\$22,000) to convey that water to the building.

To Mr. Chumie—The land was sold by authority of the Regents, acting under authority of law.

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REPORT

ON THE

STATE PRISON

BY THE

JOINT COMMITTEE OF THE SENATE AND ASSEMBLY.

1875-1876.

STATE PRISON AND PRISON BUILDING COMMITTEE.

SENATE.

HON. PAUL SHIRLEY, Chairman,
HON. R. MCGARVEY,
HON. B. F. TUTTLE,
HON. W. Z. ANGNEY,
HON. NOBLE MARTIN,
HON. EDWARD GIBBONS,
HON. EDWARD NUNAN,
HON. JOSEPH CRAIG,
HON. CREED HAYMOND,
HON. H. K. TURNER, Visiting Member.

CHARLES L. PERKINS, Secretary.

ASSEMBLY.

HON. G. W. GIFFEN,
HON. A. D. PATTERSON,
HON. R. M. CLARKEN,
HON. GEO. W. BURBANK,
HON. THOS. C. BIRNEY,
HON. JAMES SAMUELS,
HON. WALTER FERRAL,
HON. R. M. PRESTON,
HON. M. W. DIXON.

LIST OF OFFICERS OF STATE PRISON.

Lieutenant-Governor JAMES A. JOHNSON.....	Warden.
Captain JAMES TOWLE.....	Captain of the Guard.
Captain M. TRANOR.....	Commissary.
Captain A. C. McALLISTER.....	Captain of the Yard.
Captain CHARLES AULL.....	Turnkey.
J. E. PELHAM, M. D.....	Physician.
L. BARTLETT.....	Clerk.
Captain B. F. VARNEY.....	Upper Gate Keeper.
Captain E. R. SYME.....	Lower Gate Keeper.
JOHN KING.....	Engineer.
Professor MIGUEL SMITH.....	Moral Instructor.
Captain J. E. RYAN.....	Captain First Night Watch.
Captain THOS. H. RECTOR.....	Captain Second Night Watch.

REPORT.

To the Honorable Senate of the State of California:

MR. PRESIDENT: The Joint State Prison Committee of the Senate and Assembly most respectfully beg leave to submit for your honorable consideration the following report, as the result of its deliberations upon the important matters confided to its charge:

In compliance with law, we visited the State Prison at San Quentin, situate in Marin County, and distant about one hundred and thirty miles from the State Capitol, at Sacramento. Our inspection covered the various departments connected with and about the penitentiary, as well as the hearing of applicants for the commutation of sentences, together with all other matters appertaining thereto as we thought came within our province, and our duty required of us.

On Saturday, January twenty-second, your committee assembled at the State Prison, the following members being present: Shirley, Tuttle, McGarvey, Craig, Nunan, Martin, Angney, and Turner, visiting member.

We proceeded to an investigation of the condition of affairs in and about the penitentiary, in about the following order of procedure:

REAL ESTATE OWNED BY THE PRISON.

The prison owns one hundred and forty-six acres of land, extending from tide-water on the south to the summit of the range. Within the boundaries, and lying close to the margin of the waters of the bay, is the inclosure embracing prison grounds proper, inclosing six acres.

PRISON WALL.

The wall, within which the cells and workshops are inclosed, we found in many places to be in a rapid state of decay, and requiring immediate repairs. Having originally been built of brick made with salt water, and not then of a first-class quality, it has failed to resist the elements, until now its south side is in a dilapidated and very badly damaged state of decay. To prevent the further demolition of these walls, the Board of Directors should devise some means for arresting further deterioration, either by the application of a preparation of asphaltum or cement, in places where the walls are in the best state of preservation, and its reconstruction in its weakest points.

THE CELL DEPARTMENT.

The principal entrance to the prison is from the southeast side, through two strong iron gates, both closing from the inside and outside. On the inside of the encircling walls, and to the left of the main entrance, are three buildings, two being constructed of brick, and one a two-story stone, running parallel with each other, the first two mentioned covering one hundred and seventy-four feet of ground, and containing four hundred and twenty cells, the size of each cell being four feet in width, eight feet long, and six and one-half feet in height. The two-story stone building is one hundred and eighty feet in length by twenty-eight feet in width, the ground story being partitioned into seven rooms, taking up the entire width of the structure; while the upper story is divided up into forty-eight cells, ten feet long, six feet wide, and eight feet high.

The following table will show the number of prisoners confined in rooms and cells in the California State Prison:

Room A contains	36 prisoners.
Room B contains	60 prisoners.
Room C contains	160 prisoners.
Room 1 contains	20 prisoners.
Room 2 contains	39 prisoners.
Room 3 contains	45 prisoners.
Room 4 contains	45 prisoners.
Room 5 contains	39 prisoners.
Room 6 contains	45 prisoners.
Double cells, four in each—48 cells contain	190 prisoners.
Single cells, one in each—396 cells contain	396 prisoners.
Hospital contains	32 prisoners.

Number on hand, January 24th 1,107 prisoners.

Rooms.	Number of beds.	Size.	Cubic feet.	Obstruction	Cubic feet of air to each man
Hospital, two rooms	30	34×22×10	16,206.8		540.2
B room	60	34×22×11.5	8,539.8		142.1
China room	168	58.8×39×15.6	35,464		211.1
Red room	36	25.9×21.7×10	5,553.4	810	131.9
No. 1	21	12.7×22.7×10	2,712.6	405	109.10
No. 2	39	25.9×21.7×10	5,553.4	810	121.8
No. 3	45	25.9×21.7×10	5,553.4	810	105.5
No. 4	45	25.9×21.7×10	5,553.4	810	105.5
No. 5	39	25.9×21.7×10	5,553.4	810	105.5
No. 6	45	25.9×21.7×10	5,553.4	810	105.5
48 cells, each	4	10×6×7.9	465		116.3
330 cells, each	1	9×4×7.9	279		279

Total number of beds outside of hospital	1,152
Total number of cubic feet outside of hospital	212,840
Average number of cubic feet to prisoner	184.7
Average number of cubic feet to prisoner in hospital	540.2

ENGINE ROOM AND STATE MACHINERY.

Between the two-story building now occupied by Messrs. Stone & Haydon and the three stone and brick structures devoted to the confinement of convicts, stands a large four and one-half story brick building, two hundred and fifty-eight feet in length by sixty feet in width, running at right angles with the prison buildings, and is occupied principally as a manufactory of furniture by the California Furniture Manufacturing Company. In the south end of this building, on the ground floor, is located the engine which propels (free of charge, contractors furnishing fuel,) all the machinery of the different industrial departments overhead, which constitute the furniture and boot and shoe departments.

TANNERY, HARNESS, AND BLACKSMITH SHOPS.

In the southwesterly portion of the lower yard is located the tannery and harness department, in a building two stories high, which presents anything but a substantial appearance from the outside. Messrs. Stone & Haydon, harness makers, employ by contract at the present time one hundred and twenty-five men—the number of men employed varying in accordance with the press of work. The top floor is devoted to the manufactory of saddlery of all kinds, and the skill displayed in covering and finishing saddle-trees by the Chinese and Indian workmen is particularly noticeable.

The harness department on the same floor is well filled with busy and industrious workmen of all nationalities. Many of these workmen are exceedingly clever in their workmanship and accumulate quite a little amount per annum by extra work. Under the supervision of the foreman, they appear to be kindly treated and as well satisfied with their unfortunate lot as it is possible to be. The ground floor is taken up with the blacksmith department and turning-shop for the moulding of saddle-trees. The tannery is situated south and adjoining the building, and furnishes the material used in the saddlery, harness, and boot and shoe departments.

PRISON KITCHEN AND BAKERY.

The kitchen in which food for the prisoners is prepared is on the lower floor of the manufacturing building, only separated from its south wall by the small saw-mill department of the California Furniture Company. Its size fails to meet the demand upon it of late years, owing to the steady increase of prison inmates, and at the present it requires the use of the best judgment in the baking department to be able to supply the daily demand for bread. Another oven is absolutely necessary to be used in conjunction with the present one, which is not in a condition to last much longer without repairing. Its capacity is very much overtaxed, to say nothing of its liability to fall in any day, in which event it would leave matters in a very unpleasant condition, as one can readily see that the stop-

page of bread sustenance, even for a day, for over one thousand one hundred men, is no trifling affair. We recommend the construction of another oven immediately. There are no roasting facilities whatever, and an improved rotary roasting apparatus could be put to good use. The boiling department consists of four large iron boilers set in mason-work, and capable of holding about two hundred and fifty gallons each. The kitchen and bakery is kept neat and clean. The meats are well cooked, and the bread is light and well baked. Vegetables are abundantly supplied and satisfactorily cooked and put upon the tables.

BOOT AND SHOE SHOPS.

There are one hundred and seven men employed in this department, of which half are Chinamen, who work from seven o'clock forty-five minutes in the morning until three o'clock and fifty minutes in the afternoon, with the exception of half an hour for dinner, from eleven o'clock and twenty minutes until eleven o'clock and fifty minutes. The space occupied by them is about sixty by two hundred and twenty feet, in which, if properly fixed up, double the number could be put to work, as there is now any quantity of space unoccupied in the shop.

The amount of work manufactured is, on an average, fifty dozen boots, five dozen brogans, and twelve dozen ladies' misses, and children's shoes per week; also, six dozen prison brogans, for which the State pays one dollar and sixty cents per pair. There are also two first-class boot makers, who do the repairing and custom work—which is a small income to the contractors. The work that is made is of second-class workmanship, but of very good material; the great fault is, that no prisoner knows the trade when he leaves this place, as he is only taught one or two branches of it. The different branches are: first laster, fitter, pegger, heeler, heel-shaver, edgemaker, bottom-finisher, and finisher, and the cutting and sewing departments.

The ventilation in the shop is very good, and there is plenty of light, but it is very cold, and the rain coming through makes it both damp and chilly, there being no warming apparatus in the building.

CALIFORNIA FURNITURE MANUFACTURING COMPANY.

One of the principal industries at the prison now is the manufacture of furniture by the California Furniture Manufacturing Company. This company employs about two hundred men from the State, at the rate of fifty cents per day. Their different departments in the main working building are well supplied with the most improved machinery, and the character of work turned out embraces every description of furniture, from the plain house furniture to the most elaborate parlor and chamber sets. Directed by skillful mechanics, many of the State men become very skillful in the different branches of the business. Some of the Chinese employed are remarkably clever at fine work, such as delicate carving and polishing. The class of men employed are intelligent, and generally attentive to their duties. Many of the skilled workmen lay up money by working on their own account after the daily task assigned them has been finished.

The departments assigned to this company need heating in winter, and we suggest that it be done by the introduction of pipes and worms, to be supplied with steam, of which there is an abundance to spare from the engine.

THE LAUNDRY—ITS WORKINGS—PROPOSED IMPROVEMENTS, ETC.

The wash-house is built of brick, thirty-six feet front and thirty-six feet deep. It is two stories high, divided into four rooms, each thirty-two feet in length by fifteen and one-half feet in width.

Room number one is used as a receiving and delivery room; number two, as boiler and wash-room; number three, as ironing-room, and number four, as a drying-room. The yard for drying purposes is (inclusive of the thirty-six feet the wash-house stands upon), one hundred and sixteen by seventy-three feet.

There are employed in receiving room (number one), four white men who receive, mark, and distribute all clothing brought by the prisoners employed in the work-shops and other departments inside of the prison walls. Receiving days are Sunday (morning and afternoon), Monday and Tuesday mornings. Delivering days are Saturday (afternoon), Sunday (morning and afternoon), Monday and Tuesday mornings.

In boiler and wash-room (number two), one white man is employed to attend boiler. In the yard two white men are employed as hangers-up, who take general charge of the yard and clothing hung up. In ironing-room (number three), one white man is employed to receive and distribute the clothing of the guards and other free persons.

Drying-room (number four), is also used in dry weather as an additional ironing-room.

For washing and ironing purposes, only Chinese are employed. Total number in all departments twenty-seven; some assigned to ironing, others to washing, wringing, etc. Number of white men employed, eight; number of Chinese employed, twenty-seven; making a grand total of thirty-five.

The wash-house washes for the Captain of the Yard, the Surgeon and his assistant, forty-five guards with and without families, eight families of free men who are employed as foremen in shops, or reside on the Point.

This washing must be done in such a manner as to be on a par with washing done in city wash-houses, or complaints are the order of the day. The charges are very liberal, as the following order, issued by the Governor, when Warden, will show:

WARDEN'S OFFICE, CALIFORNIA STATE PRISON,
SAN QUENTIN, April 26th, 1875.

On and after the first day of May, eighteen hundred and seventy-five, officers and guards of the prison will be charged for all washing they may have done at the Prison Wash-house, at the following rates, to wit: For starched clothes, fifty cents per dozen; for unstarched clothes, twenty-five cents per dozen.

(Signed,)

W. IRWIN, Warden.

Other free people pay the old price—one dollar per dozen for large pieces, and fifty cents per dozen for small pieces.

Previous to Governor Irwin's issuing the above order, guards were not charged for their washing; consequently they had more than the

average washing done, especially those having families; some not only sending their own washing, but also that of their friends and relatives. Since the issuing of this order, things have been different, as the following account of earnings for eight months will show:

Guards in account with Prison Wash-house, from May 1st to December 31st, 1875.

May	\$33 08
June	24 56
July	33 48
August	25 60
September	36 72
October	29 85
November	26 12
December	30 76
Total	\$240 17

Free men in account with Prison Wash-house, from May 1st to December 31st, 1875.

May	\$10 69
June	15 09
July	13 97
August	8 81
September	15 71
October	6 78
November	11 57
December	14 46
Total	\$97 08

Total received from guards	\$240 17
Total received from free men	97 08
Grand total	\$337 25

Actual monthly expenses for necessary material used are as follows:

Five hundred pounds soap	\$30 00
Sixty-four pounds starch	6 40
Eight pounds blueing	2 00
Three pounds wax	1 50
Three pounds spermaceti	1 00
Four bundles matches	50
Sundries	3 00
Total	\$44 40

The above-named articles are received weekly.
The following are received monthly:

One half dozen bottles indelible ink	\$1 25
One half dozen pen-holders	25
One half ream foolscap	3 00
Writing fluid	20
One bottle mucilage	15
One half dozen blotters	10
One bottle carmine ink	25
Pens and holders	75
Total	\$5 95

Total amount expended for material	\$44 40
Total amount expended for sundries	5 95
Grand total	\$50 35

Washing is done for at least one thousand (1,000) prisoners, whose clothes are not ironed or starched. Their washing consists of one prison-shirt, and one pair of pants; these are generally (the woolen shirt always), received and delivered at least once a week. About three hundred of the mentioned one thousand have under-clothing, which averages about three pieces to the man. Some have, in one wash, pants, woolen shirt, undershirt, drawers, socks, towel, pillow-slip, and occasionally sheets, but, as a general thing, the pieces consist of undershirt, drawers, and towel.

They wash for about one hundred prisoners who work outside the walls, in offices, etc., whose clothing is starched and ironed; this includes the female prisoners, at present two in number.

Besides the weekly washing for those mentioned, they wash the guards' sheets and pillow-slips once a week, the officer's towels and table-cloths once a day, also wash every Thursday (weather permitting), State blankets and bed-ticks returned by prisoners on their discharge, and likewise wash prisoners' blankets every Friday.

Fifty blankets only can be washed at a time, owing to lack of sufficient yard-room for hanging more. At a rough estimate the wash-house is made to do duty for about one thousand one hundred and fifty souls, free and bond, which is more than this department can well perform. The wash-house was originally built to perform work for about seven hundred (700) men, and, in our opinion, the building should be enlarged, and more yard-room allowed. A larger boiler should be put in; the washing-room should be at least twice as large; more wash-vats put in, and a drying-room built. At present they do the work in spurts, having to wait until clothes are dry before they can hang out others; for this reason the Chinamen are idle from twelve o'clock of each day till four o'clock—lock-up time. With enlarged facilities, more work could be done with one-third less men, for then the Chinamen could be kept constantly busy, instead of being idle half the time.

FEMALE DEPARTMENT.

The story over the offices of the Turnkey and Captain of the Yard is devoted to the female inmates of the penitentiary and is divided into wards of comfortable size, and is quite conveniently arranged,

generally, for the present number of occupants, there being, just now, only two. In the rear is a snug little flower-garden, which affords room for exercise, entirely separated from other portions of the yard by a board fence. Everything about the department is tidily kept. The building, however, presents a sorry appearance, and, like many others on the premises, needs extensive repairs, if not entire reconstruction.

HOSPITAL DEPARTMENT.

The hospital building is situate in the northwest corner of the upper yard and is, in every respect, inadequate for the purposes of the medical department. It is a two-story brick building, the upper portion being divided into two wards, and in the center is a small and inconvenient room which is used for a dispensary. Upon the entrance of the committee, they were greeted by a large pool of water in the center of the room, which came down through the leaky roof over-head. A larger and better appointed hospital and drug department is absolutely necessary.

CONTRACT LABOR.

It is very important to the interest of the State, and to that of the prisoner, that a character for good discipline and a fair day's labor by a convict should be well established, to enable the prison authorities to let convict labor to contractors at remunerative rates. Some States have availed themselves of the benefits of such a reputation, and the consequences have been as beneficial as they could desire, and much better for the moral development of the convict than a loose discipline. Aside from this, the safety of the officers and the institution itself depends in a great degree upon it.

The State has contracts let, at present, as follows:

One with the California Furniture Manufacturing Company, for two hundred convicts; one with Stone & Haydon, tanners and harness manufacturers, for one hundred and twenty-five convicts; one with Porter & Baldwin, shoe manufacturers, for one hundred men.

The following is from the report of the Board of Directors of last year:

These contracts are all for fifty cents a day, per man, and were for two years from the first of September, eighteen hundred and seventy-four. They consequently have a little over one year to run yet. It is stipulated, however, that the contractor may terminate his contract at any time before the expiration of the two years, by giving notice in writing to the Directors, of his intention, six months prior to the date fixed for carrying his purpose into execution.

These contracts aggregate but four hundred and twenty-five men, while the whole number in the prison on the last day of June, eighteen hundred and seventy-five, was one thousand and eighty-eight. A greater number, however, have been employed by the contractors than their contracts stipulate for, they having the privilege of employing a greater number if they desire them, though the State cannot compel them to employ more than their contracts call for.

In this connection, it is proper to state that E. Soule & Co., wagon makers, had under contract about thirty men, up to the first of May last, when they gave up their contract. Since that date, the only parties having contracts for convict labor are those mentioned above.

Although these parties have had in their employ a greater number of convicts than is stipulated for in their contracts, the report of the Turnkey shows that the daily average number of men working for contractors since the abandonment of their contract by Soule & Co., has been under four hundred and twenty-five, the number contracted for. This is accounted for by the fact that of the whole number assigned to contractors, there will be on an average, perhaps, ten per cent. excused from labor for sickness.

But as the report of the Turnkey shows that there are ten hundred and eighty-eight prisoners in the prison, and as per statement above there are but four hundred and twenty-five under

contract, the question naturally arises, what disposition is made of the remaining six hundred and sixty-three. As stated above, a portion of these work for the contractors, though not included in their contracts. We may put down those thus employed at sixty-three, thus leaving six hundred to be accounted for in other ways.

We would recommend that the proper authorities take steps to secure a higher compensation for its prison labor. An advance over present rates being paid by contractors ought to be made.

OFFICERS' AND GUARDS' QUARTERS—NEW BUILDINGS BADLY NEEDED.

The quarters occupied by the officers of the prison and guards are in every respect inadequate to their accommodation, so far as those are concerned who occupy the main building at the front entrance. The capacity of the guards' dining-room is only sufficient to accommodate a portion of the men. The officers' dining-room is also too small. The culinary department, likewise, is too cramped up for the purposes of cooking and dish-washing.

The sleeping-room occupied by the night guards, who are compelled to get their rest during the day, is situated adjoining the kitchen, where a perpetual noise is kept up by the rattling of culinary utensils, making it almost impossible for them to rest in quiet. To make any satisfactory change for the better, in this respect, is out of the question, unless a new edifice is erected, and this we advise to be done at as early a day as possible.

STABLE BELONGING TO PRISON.

The number of horses now in the stable are sixteen head, and out of this number are only four serviceable ones. The stable needs considerable repairing, particularly the stall floors. They ought to be planked immediately.

SLAUGHTER-HOUSE AND BUTCHER-SHOP.

The slaughter-house is well arranged, and is well appointed with everything necessary for the business.

The butcher-shop is under the Commissary's office, and is handily fitted up with every convenience necessary for the delivery of meat to the various departments.

SUPPLY OF WATER AND FIRE CONVENIENCES.

Belonging to the prison property are two fresh-water reservoirs, one holding three hundred and twenty thousand and the other one hundred thousand gallons; also, a salt-water reservoir with a capacity of one hundred and twenty thousand gallons. Attached to these are pipes and fittings so that, in case of fire, the water can quickly be turned on and conducted to the place of conflagration.

THE OLD BRICK-YARD AND BRICK-MAKING.

The deposit of clay in the old brick-yard has been very nearly worked out, but an inexhaustible supply of the very best character of clay for bricks can be easily got at on the elevation in the rear of the Warden's residence. Last season the prison authorities burnt a

kiln of about eight hundred thousand, which are still in the yard. All the facilities are at hand for making whatever brick may be required in any improvements that may be projected by the Board of Directors.

DAMAGING EFFECTS OF PROMISCUOUS ASSOCIATION OF PRISONERS.

The habit of putting the old and the young prisoners in close association, the good with the bad, the life-long hardened thief and the novice in crime, shrewd burglar and the man who has only given an unlucky blow, the penitent and impenitent, promiscuously together, with no mark even to distinguish the well-behaved from the bad, is an evil that needs correction.

CAPTAIN OF THE YARD AND TURNKEY.

The offices of Captain of the Yard and Turnkey are in a two-story brick building, forty by twenty feet in size. These positions are the most responsible in the yard, and we find that the duties of these offices are being discharged in an eminently satisfactory manner, and with marked ability.

GUN-POSTS AND GUARD-HOUSES.

The yards are protected by four gun-posts, upon which are stationed six-pound pieces. During working hours the guns are trained on the prisoners, and so as to cover the main entrances. There are five outside posts, one man stationed in each; six wall-posts, one man in each, armed with Henry rifles and six-shooters.

DISCHARGED PRISONERS.

A very important matter in connection with the discharge of prisoners from the penitentiary is that of their general impecuniosity when turned out upon the world. Under the present regulation, a discharged convict is the recipient of nothing but a suit of citizen's clothing, costing only four dollars, and three dollars in money. To any reflecting mind this is entirely too small an amount to enable him to even reach his friends—if he is fortunate enough to have any—and sustain himself until occupation may be obtained whereby an honest livelihood can be made.

The history of the prison shows that a large number of the discharged convicts, on reaching San Francisco—who possess only this pittance—are, by comparative necessity, thrown back into their old vices. To correct this condition of affairs, the following extract from Governor Irwin's message is worthy of careful consideration:

The Board of Prison Directors have, I think, all the power necessary for the purposes of discipline, except in one particular. I would advise that the power be given to the Board to set apart a portion of the earnings of the prisoner—say ten per cent., or less—to be given to him, the one-half of it from time to time, if he should so desire, for the purchase of articles of necessity and comfort; the other half at the time of his discharge from prison. His receiving any part of his earnings should, of course, be made dependent on his meriting it by honest, faithful labor, and general good conduct. Clothed with this power, the Board could establish a system of rewards for faithful labor and skillful workmanship, coupled with general good conduct, which could hardly fail to exert a most salutary influence in the maintenance of discipline, while it would prove a powerful incentive to the prisoner to try to make his labor as valuable as possible to the contractor.

The opinion is too prevalent that they who commit crimes, and thereby subject themselves to punishment in a prison, are beyond the reach of improvement, if not beyond all claim upon the sympathies of a respectable community. This is a sad error, an uncharitable, if not wicked, conclusion; for it is a well ascertained fact that many of the convicts discharged from our prison repent of the crimes they have done, return to a course of virtuous industry, and, despite all obstacles, persevere in an honest way of living. The fact is, that the discharged convict is an unfortunate fellow-being, needing our pity and friendly commiseration.

WATER MONOPOLY.

The tariff on the water supply for the prison now being paid for is an expense of no small proportion, and means ought to be speedily devised to remedy it. The amount now being paid is one thousand dollars per month, a much higher sum than it ought to cost. To this matter we invite the earnest attention of the proper authorities, and urge them to take such steps in the premises as will relieve the State from this heavy drain upon its coffers.

PRISON FARE.

The prisoners are all well fed, and express themselves entirely satisfied with the quantity, quality, and character of the food served them.

IMMORAL PRACTICES.

The loathsome practices of many of the prisoners confined in large numbers in rooms, can only be abated by separating them into single cells, and this cannot be done until more cell room is provided by additional buildings.

A BEAUTIFUL SPOT WITHIN THE WALLS.

In the center of the yard is a charming little flower-garden, handsomely laid out, and rich with delicate and fragrant plants and flowers. Here all nature seems gay, and the little feathered tribe that flit about from bush to bush, gathering sweets and singing merrily, contrasts strangely with the iron bars and towering prison walls. The serpentine walks are fringed with lovely geranium hedges, while the lily and the violet laugh as the warm sun-light foretells the dawn of spring.

DEPARTMENT OF MORAL INSTRUCTOR—PRISON LIBRARY, EDUCATION, ETC.

The duties devolving upon the Moral Instructor of the institution are satisfactorily discharged by the present incumbent, Prof. Miguel Smith, who has had the advantage of many years' experience in the education of prisoners. Under his charge comes the library and school.

The school is open on Sundays from one to two hours, and on week-days all day. The number generally in attendance on Sunday will average about two hundred. During week-days only about thirty attend.

THE LIBRARY.

The collection of works in the library embraces quite a large number of historical, moral, and miscellaneous literature. All prisoners have access to the library, subject to certain rules and regulations. They are furnished with all the necessary stationery for writing letters to friends, and the only restriction upon their correspondence is that it is subject to the surveillance of an officer.

Many who attend school, as well as those who attend church, go merely as a pleasant relief from the monotony of prison life. A few, however, appear to take a real interest in their own improvement, and deeply impressed with religious truths.

The following statistics from Prof. Smith's report to the Board of Directors for last year, will give a more definite idea of the usefulness of this department:

Number of books in library, June 30th, 1874	3,000
Donated since, and to July, 1875	214
Condemned	119
Now in library, July 1st, 1875	3,103

Of this number, the larger portion is made up of standard works, chiefly historical, books of travel, and biographies. Those treating of the Christian religion are also well represented.

That the library is popular with such of the prisoners as can read, is shown by the following statement:

Number of prisoners who have drawn books from library, June 30th, 1874, to July 1st, 1875	600
Average number of books read by each man	29
Total number of books issued and reissued	17,400

The books issued bear the following classification:

Romances	1,561
Poetry	1,691
Science	1,654
Travel	1,738
Biography	1,813
History	1,738
Religious—Protestant	1,823
Roman Catholic	1,659
Magazines	1,689
Miscellaneous	2,034
Total	17,400

"While our library is far from perfect, yet I have reason to believe that its influence has been beneficial. The necessity for some mental occupation has driven many to the library; others have sought it simply for the purpose of mental entertainment; and a few have come to it with the better motive of self-improvement through study. Whatever may have been the motive, the end has not been without value. A taste for reading has been developed in many of the prisoners, thus improving and benefiting themselves. The moral effect

of such exercise in religious and profane literature, is elevating; and my observation leads me to the belief, that the average convict who can read is hardly less sensitive to good influences than is the average man who has never been tempted to commit a crime."

THE SCHOOL.

The employment of the larger portion of the convicts in the workshops deprives them of the privilege of the school during the week, thus reducing the school-days to Sundays. During the year the fifty school-days had an average attendance of two hundred and ten, of which number twenty-eight acted as assistant teachers.

Following is the race classification of those attending:

Caucasians	156
Chinese	23
Indians	26
Negroes	5

The different branches of study are thus distributed:

Reading and writing	122
Arithmetic	35
English grammar	20
German	9
Spanish	16
Miscellaneous studies	8

The progress made by the large majority of the pupils is satisfactory. In addition to the school on Sundays, the room is kept open during the week, with an average attendance of about thirty-five pupils. The necessity for a rule compelling the convicts, or at least such as are without the rudiments of an education, to attend school, is to me quite apparent.

Other things being equal, the community which is the best educated is the freest from crime. Our prison statistics show that our criminal population is generally illiterate. Many of the convicts can neither read nor write. If the State Prison be a reformatory institution, as well as a place of punishment, all reasonable measures should be taken to prepare the convict for a better life when his term of incarceration shall have expired; and surely to instruct him in the simpler branches of study will be a benefit to him, and indirectly to the community. However, to be able to accomplish this, as well as a proper classification, and other measures of reform, proper building improvements are of absolute necessity.

STATEMENT

Showing cost, expenditure, earnings, etc., from July 1st, 1875, to January 1st, 1876.

<i>Cost.</i>	
Subsistence-----	\$31,382 61
Forage-----	1,744 84
Clothing-----	4,632 48
Shoes-----	2,397 58
Bedding-----	2,830 71
Wash-house-----	356 42
Medicines-----	1,625 91
Stationery-----	514 88
Fuel-----	6,346 12
Water-----	6,000 00
General use-----	2,619 65
Salaries-----	26,467 94
Discharged prisoners-----	671 00
Freight-----	473 23
Incidental expenses-----	175 10
Discount and interest-----	2,025 92
Total-----	\$90,264 39

<i>Expenditures.</i>	
Pipes and fittings-----	\$862 77
Live stock-----	36 00
Prison improvements-----	1,199 97
Furniture and crockery-----	217 99
Hardware and tools-----	431 72
Ordnance-----	40 25
Total-----	\$2,788 70

<i>Earnings.</i>	
Convict labor-----	\$32,156 65
Subsistence (received for support of United States prisoners)-----	1,194 00
Drayage-----	224 00
Wash-house-----	251 25
Total-----	\$33,825 90

<i>Income Otherwise.</i>	
Sales of commissary stores-----	\$3,619 21
Sales of live stock-----	836 42
Receipts from treasury-----	46,321 00
Total-----	50,776 63
Total-----	\$84,602 58

PRISON CLERK AND COMMISSARY'S BOOKS.

The books of the Clerk's department are kept in a neat and business-like manner. This is also the case in the Commissary's department.

Each department makes out a monthly statement for the Board of Prison Directors to inspect.

UNEMPLOYED PRISONERS—HOW TO MAKE THE PRISON SELF-SUSTAINING—WHAT INDUSTRIES TO INTRODUCE—MORE CELL-ROOM AND WORKSHOPS DEMANDED.

The history of the prisons in Europe and America proves that the character of labor best adapted to convicts is that of a light order. Heavy work, such as stone-quarrying and cutting, is not at all suited to their physical condition. Confinement in close cells during more than half of the twenty-four hours necessarily enervates and lowers the tone of the system to such a degree, as to quite incapacitate it for the performance of even a very moderate day's task for the State. Humanitarian reasons, also, demand that such work should be furnished as will not only yield reasonably satisfactory financial results, but, also, be conducive to the health and physical well-being of those employed in it.

In view of the accumulation of facts, resulting from the experience of the punitive system throughout the world, we would advise the further introduction of such industries, in our penitentiary at San Quentin, as will enable the State to realize from it, and, at the same time, benefit the prisoner in a moral and sanitary point of view.

CHARACTER OF WORK BEST ADAPTED TO CONVICTS.

Among the occupations that could be successfully carried on, in addition to the present industries, is the manufacturing of grain, gunny, and other kinds of coarse sacks, the demand for which is very extensive on this coast, and will continue to increase for years to come. All kinds of broom and brush-making might be successfully introduced. Cigar-making would give the right kind of employment to a large number of the Chinese prisoners. The making of boots and shoes as, also, of furniture and cabinet-ware, already in successful operation there, could be greatly extended, and with proportionately gratifying results. Besides the branches of industry enumerated are many others well fitted for prison labor.

Work of this nature will afford pleasant and profitable occupation for convicts, and, upon the preparation of room for the purpose, the State will find no difficulty in contracting its labor; thereby not only doing a kindly act to the prisoners, but inaugurating a policy of making the institution self-sustaining.

At present there are between five and six hundred convicts unemployed, who ought to be set to work in the interest of the State. It is a time-honored maxim that "idleness is the mother of all the vices;" and, indeed, the spectacle of such a number of men throughout the day lazily lounging about the yard, or congregated in groups to impart or receive instructions in vice and crime, indicates a demoralizing condition of affairs deplorable in the extreme. With shop-room sufficient to apprentice them and to utilize this source of labor, which cannot at present be made available, the State would not only find the institution self-sustaining, but would, at the same time, raise to a higher moral level those who are paying the penalty of their crimes.

In furtherance of our views, and to show more clearly the imperative necessity of the immediate construction of more cell-room and additional workshops for our prisoners, we quote from the Surgeon's report of that institution for last year:

In my last biennial report I endeavored succinctly to set forth, in a sanitary point of view, the sleeping capacity of the prison, the paucity of space allotted to each prisoner, occasioned of necessity by the great disparity between the number of prisoners and the number of rooms and beds. During the last year a large room, formerly occupied as a wagon-shop in the basement of the manufacturing building, fifty-eight (58) feet long, thirty-nine (39) feet wide, and fifteen (15) feet high, has been fitted up exclusively as a dormitory for the Chinamen, and contains one hundred and sixty-eight (168) beds. It is a very unhealthy sleeping apartment, by reason of the impossibility of properly regulating the ventilation for so large a room, containing so many occupants.

This additional sleeping accommodation is not equal to the increase in the number of prisoners since my last report, and in proportion to the decrease in the sleeping capacity of the prison so has been the increase of disease, debility, and consequent demoralization among the prisoners.

There are also constantly occurring extraneous and additional causes of sickness, from the fact that a large proportion of the convicts brought to the prison are from the lowest dens and purlieus of our cities and towns, afflicted with loathsome and noxious complaints, contracted previous to their arrest, and aggravated by long confinement and neglect in the County Jail.

They are at once distributed, without reference to their condition of health and of necessity from want of room, amongst the already impacted crowd, increasing the overflowing tide of derangements, both physical and moral, amongst their fellow convicts.

It is true, that while these outlaws are kept in confinement, society is so far protected; but this is only one of the objects which should be had in view by their incarceration.

An earnest and enlightened effort ought to be made for their reformation. But it is almost, if not quite absurd, to expect reform, either morally or physically, under such circumstances. Good constitutions become enervated, and decay; feeble physical organizations fail to recuperate, but rather continue to decline, and an improvement in morals is entirely out of the question.

This picture is not by any means overdrawn; quite to the contrary. One half the evils, moral turpitude, degradation, mental and physical obliquity, here existing, is not told, and cannot be written, all for want of more room and different management.

Then we have four rooms, with forty-five men in each, with all the others equally crowded, and one-half, if not more of them, afflicted with various maladies, and locked up for thirteen or fourteen hours out of the twenty-four, sleeping and existing in a fetid and illy-ventilated atmosphere, made absolutely poisonous by the exhalations from diseased lungs, and to a great extent, unwashed surfaces. The most scrupulous and untiring observance of sanitary regulations cannot, by possibility, overcome the obstacles to health, under these unfavorable conditions.

The natural question here arises in every reflecting mind, how can these men live. But the authorities of our State not only expect them to live, but to perform the labor of ordinary men. There is no wonder that some of them become desperate, demented, and lunatic. These things are all wrong, and must reflect severely and most unfavorably upon the good name of our people in the eyes of our sister States.

There can be, ought to be, and should be an efficient and speedy remedy brought into requisition for these existing evils among our criminals. These men should not only be punished for their crimes, and society protected from their further depredations, but a corresponding effort should be constantly and persistently made for their reformation; but under the present condition of things their reclamation cannot be obtained or expected. It is quite impracticable. Some of them may be, and probably are, incorrigible; but placed under proper circumstances, and surrounded by such influences as humanity demands in a Christian civilization like ours, these men are not all irredeemable. If the younger and, I may say, better portion of the prisoners were separated from the class of those most obdurate and hardened in crime, and placed within the necessary reformatory influences, many of them might be reclaimed and hereafter become good citizens and respectable members of society, but never while the present condition of things is permitted to exist.

More room and better accommodations should be provided without delay. The prisoners should be graded and an enlightened, systematic, and PERMANENT SUPERINTENDENCE instituted for our penal institutions, and then California would emulate, if indeed she did not excel (as she does in almost every other good work), in the management of her prisoners, other States and countries.

These are grave and important considerations, and the law-making power is justly held responsible by the people of the State for the proper regulation and management of these affairs, and the demand is imperative. If our Legislature were in possession of minute and complete information on these subjects, is it but reasonable to believe that redress and improvement would be, without delay, inaugurated.

A commodious and well-appointed hospital is greatly needed and should be provided as early as practicable. The rooms at present occupied as a hospital are exceedingly inconvenient, and entirely inadequate to the demands of the prison.

The above extract illustrates the condition of affairs one year ago, since which time matters have been growing from bad to worse until things have now culminated in general demoralization, owing to the increase in the number of prisoners. The prison capacity is full to overflowing, and still they are coming. Let an epidemic start there and its ravages would be frightful.

ARTESIAN WELLS—THE EXPERIMENT RECOMMENDED.

Your committee would recommend that the experiment of sinking for water by boring be tried. The cost will be trifling; and if pure fresh water can be had by artesian wells, the saving to the State would be immense.

PRESENT CREDIT SYSTEM.

The law, as it now exists, grants each prisoner who behaves himself properly, credits in the following ratio for each calendar month actually served:

For first and second years	5 days.
For third and fourth years	6 days.
For fifth and sixth years	7 days.
For seventh and eighth years	8 days.
For ninth and tenth years	9 days.
For all time over ten years	10 days.

The following table will show the number of credits each prisoner would be entitled to for the various terms from one up to twenty-five years. For example, a prisoner sentenced to serve ten years, would earn six hundred and forty-eight days' credit, and would be entitled to a discharge after he had served eight years and seventeen days:

Term.	Days.	Term.	Days.	Term.	Days.	Term.	Days.	Term.	Days.
1 year	25	6 yrs.	351	11 yrs.	732	16 yrs.	1,174	21 yrs.	1,626
2 years.	103	7 yrs.	419	12 yrs.	815	17 yrs.	1,262	22 yrs.	1,716
3 years.	160	8 yrs.	494	13 yrs.	903	18 yrs.	1,355	23 yrs.	1,806
4 years.	220	9 yrs.	570	14 yrs.	993	19 yrs.	1,442	24 yrs.	1,894
5 years.	283	10 yrs.	648	15 yrs.	1,084	20 yrs.	1,535	25 yrs.	1,986

PRISON STATISTICS.

Number of prisoners from each county.

County.	No.	County.	No.
Alameda	14	San Francisco	96
Alpine	1	San Joaquin	11
Butte	10	San Luis Obispo	2
Calaveras	2	Santa Barbara	2
Colusa	2	Santa Clara	16
Contra Costa	1	Santa Cruz	6
El Dorado	2	San Benito	4
Fresno	6	Shasta	2
Inyo	5	Siskiyou	1
Kern	7	Sonoma	8
Los Angeles	13	Stanislaus	7
Mariposa	1	Solano	6
Mendocino	2	Tehama	3
Merced	2	Tulare	5
Monterey	1	Tuolumne	1
Napa	9	Ventura	3
Nevada	4	Yuba	9
Placer	5	Yolo	2
Plumas	2		
Sacramento	17	Committed since June 30,	
San Bernardino	4	1875	297
San Diego	3		

Number of prisoners on hand June 30th, 1875.....1,088

Classification of crime.

Crime.	No.	Crime.	No.
Assault to murder	15	Murder, first degree	9
Assault with deadly weapon	6	Manslaughter	14
Assault to rob	3	Murder, second degree	8
Burglary	66	Perjury	1
Counterfeiting	3	Petty larceny, second offence	6
Embezzlement	10	Rape	3
Forgery	7	Robbery	21
Felony	12	Adultery	1
Grand larceny	76	Assault to rape	3
Housebreaking	33		
		Total	297

Ages of prisoners committed since June 30th, 1875.

Age.	No.	Age.	No.
Fifteen years	2	Thirty-eight years	4
Sixteen years	4	Thirty-nine years	2
Seventeen years	6	Forty years	4
Eighteen years	17	Forty-one years	5
Nineteen years	17	Forty-two years	6
Twenty years	12	Forty-three years	3
Twenty-one years	5	Forty-four years	4
Twenty-two years	11	Forty-five years	6
Twenty-three years	12	Forty-six years	2
Twenty-four years	6	Forty-seven years	1
Twenty-five years	18	Forty-eight years	3
Twenty-six years	18	Forty-nine years	2
Twenty-seven years	12	Fifty years	3
Twenty-eight years	17	Fifty-one years	1
Twenty-nine years	10	Fifty-two years	0
Thirty years	28	Fifty-three years	3
Thirty-one years	10	Fifty-four years	2
Thirty-two years	9	Fifty-five years	1
Thirty-three years	7	Fifty-six years	1
Thirty-four years	7	Sixty years	2
Thirty-five years	7	Sixty-seven years	1
Thirty-six years	3		
Thirty-seven years	4	Total	297

Term of Imprisonment.

Term.	No.	Term.	No.
Life	9	Six and one-half years	1
Six months	2	Seven years	6
One year	65	Eight years	4
One and one-twelfth years	1	Nine years	2
One and one-quarter years	1	Ten years	19
One and one-third years	1	Eleven years	1
One and one-half years	7	Twelve years	3
Two years	50	Thirteen years	0
Two and one-quarter years	1	Fourteen years	3
Two and one-half years	8	Fifteen years	5
Three years	33	Sixteen years	1
Three and one-half years	1	Eighteen years	3
Four years	22	Twenty years	2
Four and one-half years	2	Twenty-one years	1
Five years	32		
Five and one-half years	1	Total	297
Six years	10		

Number of Terms.

Prisoners serving their first term.....	245
Prisoners serving their second term.....	36
Prisoners serving their third term.....	10
Prisoners serving their fourth term.....	4
Prisoners serving their fifth term.....	2
Prisoners serving their sixth term.....	0
Total.....	297

Nativity of prisoners committed since June 30th, 1875.

Country.	No.
United States.....	180
Australia.....	1
China.....	35
Canada.....	3
Denmark.....	2
England.....	11
France.....	5
Germany.....	14
Ireland.....	23
Italy.....	7
Mexico.....	10
Newfoundland.....	1
Poland.....	1
Peru.....	1
Scotland.....	2
Spain.....	1
Total.....	297

Recapitulation.

On hand June 30th, 1875.....	1,088
Received up to February 2d, 1876.....	297
Discharged up to February 2d, 1876.....	281
Showing an increase since June 30th, 1875, of.....	16
On hand February 2d, 1876.....	1,104

PRISON DISCIPLINE—REFORMATORY MEASURES, ETC.

In all other States of the Union, except Pennsylvania, the Auburn, or the congregate, silent system prevails. These two systems differ materially in their methods of administration; but they have a common basis. The principal of isolation, with labor, lies at the foundation of both. In one the isolation is effected by an absolute bodily separation by day as well as by night, and the labor is performed in the cell of the convict. In the other, the labor is done in common workshops, and the isolation is secured at night by the confinement of the prisoners in separate cells, but during the day is of a moral kind—being effected, as far as possible, by the enforcement of absolute silence. The bodies of the prisoners are together, but their souls are apart; and while there is material association, there is mental solitude.

Such is the theory on which the respective systems are founded, but in neither do the facts ever fully correspond to the ideal.

The lack of cell-room in our prison prevents the officers from carrying out the silent system intact, but, under the disadvantages that hamper them, the discipline is creditably maintained, and speaks well for the management. With the proper appliances and surroundings, our penitentiary can be made equal to any in the land, and all that is required to reach this end is the addition of suitable buildings, and the establishment of a reformatory department for those less hardened in crime.

KEEP THE PRISONERS FROM IDLENESS BY LIGHT AND PLEASANT WORK.

Idleness is the besetting sin of the criminal class, as they are made to feel, by its being a subject of constant reproach to them as one of the chief causes of their evil ways.

The problem is now keenly studied, how prison labor, while used as a reformatory agent, may at the same time be so organized and conducted as to produce the greatest amount of value, so that criminals may be made to earn their own support while undergoing their sentences; and society be relieved, to that extent, of the burden imposed upon it by their crimes. Steady, active, and honorable work is the basis of all good, and, especially, all reformatory systems of prison discipline. It not only aids reformation, but is an essential condition of it. It is by work alone that the mass of men can eat honest bread; and unless prisoners acquire habits of industry, a liking for labor, and skill in some handicraft occupation, little hope can be entertained of their conduct after liberation.

If the reformation of prisoners is important—and this is a proposition conceded by all in our day—it is not less important that they be trained, while in prison, to the practice and the love of labor. But how is this end to be attained? how are the habits of work and a fondness for it to be imparted but by associating pleasurable feelings with industry, and painful ones with idleness? By cultivating each prisoner's peculiar powers, so that he may follow an occupation for which nature as well as training has fitted him. By accustoming him to the daily performance of an amount of work sufficient, when at large, to procure him a comfortable subsistence, and thus giving him to see that he is mastering the great art of self-help and self-support. And this object can be accomplished only by

teaching convicts trades during their imprisonment. At least four-fifths of our convicts are without any trade. By judicious management this large class can be taught sufficient of any branch of industry to enable them to secure an honest living when they are turned upon the world. Let the Legislature immediately take hold of this matter with a firm hand, and the State will soon be able to reap the reward of at least having done its duty to society.

BRANCH STATE PRISON.

On the thirteenth of February your committee proceeded to the projected Branch Prison, located two miles from the Town of Folsom, on the south bank of the South Fork of the American River, at the base of the foothills of the Sierra Nevada Mountains, and distant twenty-four miles, by rail, from Sacramento. The approach from the line of railroad is made by a steep ascent of about eighty feet in a distance of about fifteen hundred. The prison structure, to the eye of the beholder as he stands upon the bank of the surging stream, bears the semblance of an old feudal castle, whose towering battlements stand out in bold relief against the clear blue sky of the horizon. The wild, rugged aspect of the surrounding country; the swiftly running stream, pursuing its tortuous course through rock-bound gorges, make this retired and dismal spot a fit place for prison walls, if banishment into utter solitude is appropriate for condign servitude.

The tract of land—three hundred and fifty acres in extent—ceded to the State, for prison purposes, by the Natoma Water and Mining Company, is covered by a growth of white and black oak, and presents to the view a wild and uneven topography, excepting some seventy-five or one hundred acres that is susceptible of tillage and of being turned to account for agricultural purposes. One small fresh water spring takes its rise on the hill-side above and easterly from the buildings. It is held that this spring nearly dries up in the latter part of summer. The river water is soft and excellent for washing purposes, but is badly discolored by the slum and tailings from the placer fields in the mountains above.

HOW THE STATE PURCHASED THE LAND.

On the thirtieth of June, eighteen hundred and sixty-eight, the Natoma Water and Mining Company deeded this tract of land to the State, for and in consideration of fifteen thousand dollars (\$15,000), to be paid in convict labor, rated at fifty cents per diem, to be furnished to said water company, in aid of its water-power canal enterprise, but only at the convenience of the State, and whenever it may be deemed advisable and judicious by the Board of Prison Directors. The company also gives the exclusive right forever to the use of the first fall, five feet perpendicular, of the whole water of the canal at the upper end of that place, on the canal, known as "prison yard." It was believed that this water-power would be of great value to the State, as affording a cheaper

motive power than could otherwise be had for driving machinery in the workshops.

GRANITE QUARRIES.

In the immediate vicinity of the proposed working-yard are granite quarries, which furnish a superior quality of building material. On the State land there is a quarry from which considerable rock has been taken, but as it has been only partly opened up, and the area of surface at present exposed is quite limited, its extent is uncertain. So far as our observations went, we infer that the quarries belonging to the State are of little value.

PRISON GROUNDS AND PROPOSED WALL.

It was designed, by the plans and specifications, to inclose about five acres of ground within a high stone wall, in which corral or inclosure the prison and guard-quarters are now partially completed. Thus far no work has been done on the outer wall.

PRISON AND OFFICERS' QUARTERS.

The prison proper, the buildings for officers and guards, and the kitchen and dining-rooms, are embraced in what might be strictly termed one building, the walls and partitions of which are solid and massive. The front end of the long four hundred feet prison is most elaborately designed, and constructed of beautifully cut stone, with projecting arches and bay-windows, presenting an attractive and handsome appearance from all points below it, and from the surrounding hills. This portion of the structure is mostly completed, so far as the stone-work is concerned. The walls of the cell department, in the rear, are up about ten feet from the level of the floor, within which it was designed to put five hundred and twelve cells on the lower and upper story. The present contract, upon which work was suspended last fall, called for the completion of two hundred and sixty-five cells. The floors for a few cells, together with the sewerage and water-pipes, have been laid and put in. The walls of this department are thick and strong. A large amount of unnecessary and expensive work has been done on the front building in the way of fancy-work that might better have been dispensed with.

THE LOCATION INSECURE FOR PRISONERS.

The topography of the surrounding country renders its location for a penitentiary an unsafe one for the detention of convicts. The deep gulches and cañons, the large and innumerable bowlders, the dense growth of trees and thick chaparral, offer means of eluding the vigilance of the officers and guards, that would condemn the location in point of security, in the eyes of experienced prison managers, and others of sound judgment familiar with matters of this kind.

COST OF BRANCH PRISON.

Statement of total amount expended in the construction of the Branch State Prison, at Folsom—eighty per cent. thereof and twenty per cent. thereof, as appears by the statement of R. C. Ball, architect—as corrected:

Month.	Total.	Eighty per cent.	Twenty per cent.
December, 1874	\$12,154 61	\$9,723 68	\$2,430 73
January, 1875	13,063 00	10,450 40	2,612 60
March, 1875	9,784 21	7,787 37	1,946 84
April, 1875	10,812 25	8,649 80	2,162 45
May, 1875	13,939 23	11,151 38	2,787 85
June, 1875	11,496 36	9,197 08	2,299 28
July, 1875	10,024 65	8,019 72	2,004 93
August, 1875	8,396 93	6,717 54	1,679 39
September, 1875	8,469 75	6,775 80	1,693 95
October, 1875	814 80	651 84	162 96
Totals	\$98,905 79	\$79,124 61	\$19,781 18

COST OF COMPLETING BRANCH PRISON.

SACRAMENTO, February 18th, 1876.

To the Honorable Senate Committee on State Prison and Prison Buildings.

GENTLEMEN: I have carefully examined the plans for the Branch Prison at Folsom, and find, from estimating, that it will require four hundred thousand dollars (\$400,000) to complete the building according to plans. In addition to this, it will require a yard wall, which will cost about seventy-five thousand dollars (\$75,000); also, workshops and guard-posts, seven thousand five hundred dollars (\$7,500).

Very respectfully submitted,
A. A. BENNETT, Architect.

OFFICERS, GUARDS, AND EMPLOYÉS NECESSARY TO EQUIP AND RUN THE BRANCH PRISON WITH FIVE HUNDRED PRISONERS, AND THEIR RESPECTIVE SALARIES PER MONTH:

Warden	\$125 00
Captain of the Yard	125 00
Turnkey	125 00
Gate-keeper	100 00
Physician	150 00
Clerk	100 00
Steward	75 00
Head cook	60 00
Hostler	50 00
Fifty guards, at fifty dollars per month	3,350 00
	\$4,260 00
Twelve months	\$51,120 00

The above is an under estimate of what it would actually cost to officer and guard the number of persons mentioned.

PROPOSED NEW BUILDINGS AT SAN QUENTIN.

New prison—old yard.

675,500 brick set in mortar	\$6,750 00
172,300 brick in arches of floors and ceiling	2,067 00
12,960 feet surface floor, asphaltum	944 00
98,600 lbs. rolled iron beams	3,549 00
201,400 lbs. boiler iron for cells	10,520 00
41,600 lbs. gratings for windows	2,496 00
675 bbls. lime and cement (200 lbs. each)	2,050 00
Total cost	\$29,576 00

Addition of one story to old stone prison.

207,000 brick set in mortar	\$2,070 00
55,000 brick set in arches of floors and ceilings	660 00
419,128 feet surface asphaltum floor	739 00
47,550 feet surface corrugated iron roof	960 00
255 bbls. lime	510 00
75 bbls. cement	262 50
105,400 lbs. boiler iron for cells	5,270 00
13,000 lbs. iron grating for windows	780 00
Total cost	\$11,251 50

Addition to workshop in old yard.

1,340,000 brick set in mortar	\$13,400 00
30,000 lbs. iron grating and anchors	1,800 00
164,276 feet rough lumber	3,614 00
35,840 feet flooring	1,146 00
8,960 feet surface asphaltum floor	1,288 00
162,000 shingles	567 00
160 windows	2,400 00
Labor, finish, and hardware	8,000 00
Total cost	\$32,215 00

New workshop—old yard.

277,000 brick set in mortar	\$2,770 00
54,276 feet rough lumber	1,194 00
25,000 feet flooring	800 00
5,442 feet surface asphaltum floor	816 00
279 bbls. lime	558 00
7,000 shingles	245 00
40,000 lbs. iron grating for windows	2,400 00
45 windows	675 00
Labor, finish, and hardware	5,000 00
Total cost	\$14,458 00

Reformatory department—new boundary walls.

2,409,000 brick set in mortar	\$24,090 00
4,000 square feet six-inch stone coping	9,800 00
2,400 barrels lime	4,800 00
500 barrels cement	1,750 00
Total cost	\$40,440 00

Reformatory prison—seven hundred and twenty cells.

2,068,000 brick set in mortar	\$ 20,680 00
1,096,000 brick set in arches of floors and ceilings	14,352 00
82,206 feet surface asphaltum floor	12,330 00
24,744 feet surface corrugated iron roofing	4,800 00
72,288 pounds of iron grating, for windows	4,337 00
485,699 pounds of iron beam girders	17,485 00
2,027,500 pounds boiler iron, for cells	101,350 00
75,000 pounds angle and flat iron, for roof	3,750 00
250 stone window sills, 25x48	3,000 00
8 stone door sills, 25x96	192 00
250 windows, to be filled with sash and glass	3,000 00
3,172 barrels lime	6,344 00
750 barrels cement	2,625 00
190 cast iron posts	3,800 00
100,000 pounds anchors and hog chains	4,000 00
Iron stairs and railing	2,500 00
Total cost	\$204,045 00

Front entrance building to reformatory.

124,000 brick set in mortar	\$1,240 00
3,000 feet flooring	90 00
3,500 feet joist	77 00
1,000 feet corrugated iron roof	200 00
40,000 brick set in mortar at back entrance	400 00
600 feet corrugated iron roof	120 00
13,600 pounds iron for grates	680 00
Total cost	\$2,807 00

Workshop in new yard.

2,131,000 brick set in mortar	\$21,310 00
2,131 barrels lime	4,262 00
319,584 floor and roof joist	7,030 00
110,088 feet flooring	3,520 00
18,480 feet surface asphaltum floor	2,772 00
325,000 shingles	1,137 00
400 windows and doors	6,000 00
80,000 pounds iron grating	3,200 00
27,200 feet roof boards	589 00
Carried forward	\$49,820 00

Brought forward	\$49,820 00
10,700 feet finishing lumber	428 00
50,000 pounds anchor and hog chains	2,000 00
Stone sills	1,000 00
Labor, hardware, etc.	10,000 00
Plumbing	5,000 00
Total cost	\$68,248 00

Recapitulation.

New prison, old yard	\$29,576 00
Addition of one story to old stone prison	11,251 50
Addition to workshop in old yard	32,215 00
New workshop, old yard	14,458 00
Total	\$87,500 50
Reformatory department—new boundary wall	\$40,440 00
Reformatory prison, seven hundred and twenty cells	204,045 00
Work-shop	68,248 00
Front entrance building to reformatory	2,807 00
Total	\$315,540 00
	87,500 50
	\$228,039 50

The loss of the main manufacturing building will necessarily change the plans of building as projected somewhat, but in the main they will be as originally designed. Whatever changes are deemed necessary to make, your committee has full confidence in the ability and judgment of the Board of Prison Directors to authorize.

In view of all the facts gathered in connection with the Folsom Branch Prison, we would advise that no more work be done on the building with the idea of completing it for a prison, and that such of the fine cut stone as compose the front and side walls of the proposed officers' quarters be taken down and sent to San Quentin, to be used in the front walls of the projected new buildings there. Transportation for this material can be had for about the following rates: By rail to Sacramento, fifteen dollars per car load of ten tons, and by water in schooners to the State Prison at the rate of about one dollar and one-half per ton. If thought best another method of disposing of it would be to sell it in San Francisco, where it would bring something for the State.

To complete the work on the Branch Prison would incur a far greater expense to the State than the building of a complete reformatory at San Quentin, which would enable the prison authorities to grade and classify the prisoners into proper departments. Your committee is satisfied that the continuation of work on the Branch Prison would only result in saddling a heavy debt on the State, and that the sooner the whole matter is abandoned—so far as the using it for the purposes for which it was designed are concerned—the better it will be for the commonwealth.

THE CONFLAGRATION AT SAN QUENTIN.

SAN QUENTIN, February 29th, 1876.

The sub-committee from the Senate and Assembly, consisting of Senators Shirley, Gibbons, and Angney, and Assemblymen Giffen, Preston, and Patterson, (Senator Shirley in the chair) assembled and canvassed matters for the immediate relief of the prisoners, who, by the late destructive fire, have been left entirely without cooking facilities.

Lieutenant-Governor Johnson, and Thomas Beck, Secretary of State, and members of the Board of Prison Directors, were present at the meeting.

It was resolved that we recommend that the Prison Directors take steps immediately for the construction of proper cooking facilities, under the supervision of the Steward, Mr. Barton.

On motion of Dr. Gibbons, it was resolved that we recommend the Board of Directors to proceed immediately to purchase the necessary articles for supplying the kitchen and dining-rooms, and also, anything else that may be necessary in the premises.

On motion of Mr. Patterson, it was resolved that the committee ask for an appropriation of one hundred and fifty thousand dollars for the purpose of rebuilding the destroyed buildings, and making additional buildings, as projected by the plans on file.

Adjourned.

PAUL SHIRLEY, Chairman.

C. L. PERKINS, Secretary.

THE FIRST ALARM OF FIRE AND ITS ORIGIN.

At ten minutes before four o'clock on the afternoon of the twenty-eighth of February, the alarm of fire was sounded within the prison walls of the State Prison at San Quentin. At first, a small jet of flame was seen rising skyward from about the center of the roof of the large four-and-a-half story manufacturing building, that rapidly spread out into a large blaze, involving the whole structure in one livid sheet of flame. The rapidity with which the fire spread soon put it beyond control; and, it is safe to say, that no fire department, however extensive or perfect in its appointments, could have succeeded in extinguishing it. The combustible character of the material in the varnish and glueing department, in which the fire originated, accounts for the rapidity of the fire.

The fire started in the top story of the manufacturing building used as a paint and varnish shop. The exact locality was very near the middle of the structure. For some minutes it did not seem to make much progress, and it is believed that with a good supply of water at hand, it could have been put out. The first thing done was to attach the hose to the water-taps nearest at hand, but when the water was turned on it would not flow, not having force enough to raise it to the height required. In the meantime, and before water could be brought from below in buckets, the flames had attacked the roof, and quickly bursting through into the open air, spread with alarming rapidity towards both ends of the building. So long as the fire was confined within the building, there were some grounds for

hope, but as soon as it reached the open air, thereby creating a powerful draft in its favor, it became apparent to every one, that further efforts to arrest its progress would be unavailing. From the upper part of the building, it descended to the stories below, devouring one after the other in its rapid march, until it reached the ground floor, leaving nothing behind except the four walls of the building. Meanwhile the energies of all were directed to saving the cell-buildings. These, as is well known, are situated at right angles to the main building, the nearest ends being but forty feet from it. These buildings being much lower than the one on fire, were exposed to the full force of the flames, driven from it by the wind which blew from that direction. The roofs of these buildings soon caught fire, and it was only by almost superhuman exertions on the part of the officers and prisoners that their total destruction could be prevented. The convicts were speedily organized into squads, and, under the direction of the officers, rendered as efficient service as though they had been specially trained for the purpose. It was soon found that no water could be got by means of the hose, and that the only means of getting it to the fire would be by buckets. To add to the difficulty, the water-taps nearest the fire gave out in a short time, and the water could only be had from the remaining taps in the corner of the yard most remote from the place of the fire. A large supply of blankets was brought into use, and by being kept thoroughly drenched, served as a protection to those parts of the cell-roofs most exposed to the fury of the flames. Dense clouds of smoke, accompanied by large cinders, showered down upon the heads of those at work upon the roofs, who seized every opportunity of a slight lull in the fierceness of the fiery element to rush to the front with a supply of water. Several axes also were passed to the convicts, who cut away the burning beams which were beyond the reach of water. As the fire in the main building abated, the danger of the other buildings also decreased, and by the time the fire had spent its fury on the former, the others were brought under complete control.

COMMENDABLE CONDUCT OF OFFICERS IN CHARGE AT TIME OF FIRE, ETC.

Captain Towle, the acting Warden, being absent on business connected with the prison, the management of affairs devolved upon Captain Fitzpatrick, in conjunction with Captains McAllister and Aull, the latter two gentlemen superintending matters within the walls. It is to their skillful directions, seconded by the energetic efforts of the convicts, that the fortunate termination of the disaster is to be attributed. Captain Fitzpatrick, from his commanding position upon the wall, was enabled to observe the progress of the fire to the best advantage, and thus to control the operations of those inside to the best possible effect. At the same time Captains Aull and McAllister took the lead inside, and by their sympathetic encouragement stimulated the prisoners to renewed exertions, and had a large share in bringing the business to a successful issue.

Captain M. Tranor, Commissary, deserves credit for the cool and active part he took at the time of the fire, and, subsequently, in obtaining supplies for the large number of persons that were left entirely without cooking facilities.

CONDUCT OF PRISONERS.

The conduct of the prisoners during this trying ordeal cannot be too highly commended. Every man, when called upon, responded with zeal, and all seemed to take a personal interest in checking the advance of the devouring element. Every one assumed his post and proceeded in the performance of his duties until compelled to desist from sheer exhaustion. Instances are given in which the ardor of some led them so far that they fell half stupefied by the heat and smoke, and would have perished but for a timely rescue by their comrades. It is universally conceded that had it not been for the convicts, no limits could be set to the amount of destruction which would have ensued, as the fire would, in all probability, have made a clean sweep of the prison buildings. Meanwhile the utmost possible order was kept by those not actively engaged, and not the slightest symptom shown of an attempt, on the part of the convicts, to turn the situation to their own advantage.

PREMISES DESTROYED.

The destruction caused by the fire may be summed up as follows: The boot and shoe shop, the furniture shops, the library (also used as a school-room and chapel), the dining-rooms, the kitchen and bakery, the engine-room, and the State carpenter shop—all these are comprised in the main building burned. The damage caused to the cell buildings consists of the balconies at the ends and for some distance along the sides, and also about ten feet of roof at the end of each building nearest the fire. The guard-post on the wall near the end of the burnt building, and also one in the south yard, about eighty feet from the same, were consumed. The intensity of the fire at one time was so great as to drive both guards and prisoners to the extreme east side of the yard and wall.

The steam-boilers of the manufactory building are unhurt, and the engine with a few repairs will be as good as ever. The shafting is a total loss.

THEORY OF THE FIRE.

As may be supposed various rumors are afloat as to the origin of the fire, but they are nothing more than rumors. It was reported that it was the work of a Chinaman, but the report lacks confirmation. Some have adopted the theory of spontaneous combustion, and, indeed, the supposition is quite plausible from the variety of highly inflammable substances stored away in close contact in the locality where the fire originated. It would seem very strange, indeed, that in a room where convicts were working within a few feet of each other, incendiarism could pass undetected, especially as the rules against smoking and carrying matches are strictly enforced and no fire of any kind is permitted. Up to the present time the cause of the fire is a mystery, and will continue to be so until further developments take place.

WATER-PIPES AND FIRE-HOSE.

The water facilities in and about the prison have been proven to be entirely insufficient for fire purposes. The size of the main pipe

from the reservoir is only three inches, and when any portion of the stream is diverted through small pipes from the main stream, it entirely destroys the force of the stream, which is at best entirely too small to do any effective work. We urge upon the Board of Directors the importance of putting down larger and more substantial pipes, and also of obtaining the most approved carbonized fire-hose, and to make such other improvements necessary for the most approved fire-outfit. Your committee would further suggest, in this connection, that the Board of Prison Directors take under careful consideration the propriety of constructing, with prison labor, more large reservoirs for the purpose of a cheap water supply. We are firm in the conviction that the water-sheds immediately surrounding the institution are of ample extent to furnish an abundance of pure water, which can be saved at a comparatively small cost to the State.

INCREASED WATER FACILITIES A PRIME REQUISITE OF THE STATE PRISON.

The late conflagration has proved conclusively, amongst other dearly-bought experiences, the utter inadequacy of the water facilities at present existing at our State Prison.

The supposition (for it could never have been a belief) that a water main (!) three inches in diameter would supply the wants of upwards of eleven hundred persons, besides rendering valuable service in case of fire, is too preposterous to have ever been, for even a moment, entertained. With a volume of water in the reservoirs sufficient to have flooded the whole prison yard, water could only be obtained from four small pipes, each three-quarters of an inch in diameter, the other pipes having ceased to flow after a few bucketfuls had been drawn from them. A more tantalizing and (were it not for the danger involved) ridiculous system of water appliances could scarcely be conceived.

There is immediate and imperative necessity of a remedy for this unfortunate state of affairs.

DOWNFALL OF PART OF WALL OF BURNED BUILDING.

About five o'clock P. M. of Wednesday, March second, a high wind having arisen, over half of the east wall of the burnt building fell with a tremendous crash. Had this happened an hour earlier it might have been attended with results frightful to contemplate, as a large body of men was engaged during the afternoon in clearing away the debris near the foot of the wall. Their escape seems almost providential.

MOVABLES SAVED FROM THE FIRE.

Owing to the extreme rapidity with which the flames spread the amount of property saved was very small.

From the boot and shoe shop a few rolls of leather and a few dozen pairs of boots were got out.

The fire having started in the paint and varnish shop of the furniture company, where all the finished stock was stored previous to shipment, it followed that none of the more valuable stock was saved.

From the lower floors a small quantity of half-finished furniture, part of the belting, and a few tools, were got out.

Of the contents of the library, the organ, a few pictures, and about half the books, (the latter badly damaged from rough handling), were saved.

From the other parts of the building nothing worth mentioning was saved.

REVENUE LOST TO THE STATE.

The revenue to the State from the manufacturing establishments destroyed by the fire will amount to about five thousand dollars per month, which is about an offset to the salaries of officers, guards, and the price paid for the water supply. This source of income now being cut off, it is essential that no time be lost in constructing the right kind of workshops.

Your committee would recommend the immediate construction of the additional buildings in the old yard, in accordance with the plans prepared for this committee, and published in this report. We would further recommend that the work of grading for a new reformatory prison, and the necessary buildings thereto, be commenced during the summer by convict labor, and diligently prosecuted until the ground is prepared for building purposes. During the same time we advise that a portion of the prisoners be kept at work making brick for the construction of the outer wall, and building purposes in and about the old and proposed new yard.

AN APPROPRIATION OF TWO HUNDRED THOUSAND DOLLARS ASKED FOR.

The falling of a portion of the walls of the burnt building since the fire will add considerable to the expense of building, as contemplated by the sub-committee when on the premises; and, therefore, we find it necessary to recommend and urge upon the Legislature the necessity of an appropriation of two hundred thousand dollars for building purposes, to be expended under the direction of the Board of Prison Directors.

The distribution of the appropriation in the construction of workshops and prison buildings to increase the cell capacity, is recommended to be made in about the following order:

One large and well arranged workshop, with various departments for the accommodation of contractors in different branches of industry, is estimated to cost, by careful calculation made by competent persons, one hundred and thirty thousand dollars; new prison building, twenty-nine thousand five hundred and seventy-six dollars; one small workshop detached from the other buildings, fourteen thousand four hundred and fifty-eight dollars; addition of one story to old stone prison, eleven thousand two hundred and fifty-one dollars; engine, shafting, water-pipes, hose for fire purposes, fourteen thousand seven hundred and fifteen dollars.

All the brick in the walls of the burnt building can be used in the walls of the new buildings. The iron piping, shafting, bolts, etc., damaged by the fire, can be sold for one and a half cents per pound.

Nearly all of the prison labor can be utilized, under the direction of skilled mechanics, in putting up the proposed buildings.

Your committee would most respectfully ask further time to com-

plete its report on recommendations for pardon and commutation of sentence.

In the consideration of the very important matters embraced in the foregoing report, your committee has labored hard to arrive at just conclusions; and in the suggestions and recommendations, have been actuated only by a desire to outline a correct policy for the management of our penal institution.

All of which is very respectfully submitted.

PAUL SHIRLEY, Chairman.
G. W. GIFFEN, Chairman
Assembly Committee.

SUPPLEMENTAL REPORT

ON

THE STATE PRISON,

BY THE

JOINT SENATE AND ASSEMBLY STATE PRISON AND
PRISON BUILDING COMMITTEE,

1875-6.

STATE PRISON AND PRISON BUILDING COMMITTEE.

SENATE.

HON. PAUL SHIRLEY, Chairman,
HON. R. MCGARVEY,
HON. B. F. TUTTLE,
HON. W. Z. ANGNEY,
HON. NOBLE MARTIN,
HON. EDWARD GIBBONS,
HON. EDWARD NUNAN,
HON. JOSEPH CRAIG,
HON. CREED HAYMOND,
HON. H. K. TURNER, Visiting Member.

CHARLES L. PERKINS, Secretary.

ASSEMBLY.

HON. G. W. GIFFEN,
HON. A. D. PATTERSON,
HON. R. M. CLARKEN,
HON. GEO. W. BURBANK,
HON. THOS. C. BIRNEY,
HON. JAMES SAMUELS,
HON. WALTER FERRAL,
HON. R. M. PRESTON,
HON. M. W. DIXON.

LIST OF OFFICERS OF STATE PRISON.

Lieutenant-Governor JAMES A. JOHNSON	Warden.
Captain JAMES TOWLE	Captain of the Guard.
Captain M. TRANOR	Commissary.
Captain A. C. McALLISTER	Captain of the Yard.
Captain CHARLES AULL	Turnkey.
J. E. PELHAM, M. D.	Physician.
L. BARTLETT	Clerk.
Captain B. F. VARNEY	Upper Gate Keeper.
Captain E. R. SYME	Lower Gate Keeper.
JOHN KING	Engineer.
Professor MIGUEL SMITH	Moral Instructor.
Captain J. E. RYAN	Captain First Night Watch.
Captain THOS. H. RECTOR	Captain Second Night Watch.

REPORT.

To the Honorable Senate and Assembly of the State of California:

MR. PRESIDENT: In the consideration of prison matters, in the joint report of the Senate and Assembly Committees on State Prison and Prison Building, already submitted to the Legislature, your committee had but limited time to examine the multiplicity of very important matters connected with the routine of prison discipline, the great questions of reform, and the various other essential matters pertaining to our punitory institutions, the advancement of which is engaging the attention of every civilized country.

Reformatory measures to improve and elevate the moral condition of the criminal class, and, at the same time, to subserve the requirements of the law in effecting satisfactory punishment, is inviting the attention of prison managers throughout the land, and the introduction of reformatory measures are becoming more satisfactory every day.

There is really no valid reason why our State Prison cannot be made equal to any in the country in discipline and reformatory requirements, when the State furnishes the necessary buildings to carry out in detail the generally accepted system of prison discipline, known as the Crofton or Irish Prison System, which is being successfully introduced, and is meeting the approval of nearly all classes who study the advancement of criminals. This system may be shortly defined as an adult reformatory, where the object is to teach and train the prisoner in such a manner that, on his discharge, he may be able to resist temptation, may be inclined to lead a worthy life, and may possess the power, as well as the wish, to earn an honest living. This is done by placing the prisoner's fate, within certain limits, in his own hands, and by enabling him to raise himself, step by step, to positions of greater freedom, privilege, and comfort; while idleness and bad conduct, on the other hand, keep him in a state of coercion and restraint.

In order to enable our prison managers to carry out intact any correct system of prison discipline, it is clear that they must be provided with proper apartments in cell-room and workshops. This being provided, the prisoners can be graded and classified in such a way as to improve the younger ones, and many of the adults, in habits of industry, as well as elevate their moral condition. Our views—fully and clearly expressed in our report—are again urged upon the Legislature: Establish a Reformatory, in connection with the State

Prison, at as early a day as possible; then the recommended system of prison discipline can be introduced successfully.

Your committee would suggest to the Board of Directors, that in letting convict labor, they do so with the view of preventing it coming in contact with free labor as far as possible.

The following named convicts are recommended by the Joint State Prison Committee for immediate pardon by the Governor of the State of California:

Date of Imprisonment.	Name of Convict.	Crime Committed.	Term of Sentence.
November 28th, 1870	Frank K. Smith	Murder, second degree	16 years.
_____, 1869	James Southerly	Murder, second degree	12 years.
June 29th, 1872	J. R. Gibbons	Murder, second degree	15 years.
_____, 1869	B. C. Johnson	Murder, second degree	15 years.
July 5th, 1873	John H. Smith	Murder, second degree	23 years.
January, 1870	Thomas Campbell	Robbery	11 years.
March 5th, 1875	Granville Millsap	Murder, second degree	15 years.
July 17th, 1875	William Clerman	Burglary	5 years.
April 14th, 1874	William C. Grant	Murder, second degree	25 years.
November 11th, 1872	J. W. Knight	Grand larceny	10 years.
September 21st, 1875	J. J. Marks	Embezzlement	7 years.
November 15th, 1871	John Dorsey	Murder, second degree	13 years.
January 1st, 1875	Henry DeHaven	Forgery	3 years.
June, 1871	Barlato Sepulveda	Murder, first degree	Life.
May 18th, 1872	George Bushon	Murder, second degree	10 years.
_____, 1869	Frank Durham (colored)	Robbery	12 years.
October 22d, 1875	George A. Keith	Murder, second degree	10 years.
February 14th, 1871	Ah Quang	Assault to murder	14 years.
August 31st, 1874	Ah Ping	Burglary	4 years.
February 3d, 1866	Peter Dalton	Robbery	20 years.
February 21st, 1870	French Frenoh	Robbery	10 years.
_____, 1869	Benjamin A. Powers	Assault to commit murder	10 years.
January 31st, 1870	N. C. Gilbert	Murder	11 years.
March 22d, 1871	Daniel Haley	Robbery	20 years.
January 23d, 1875	Peter Meldt	Forgery	5 years.
March 22d, 1871	Peter Dumas	Robbery	12 years.
October, 1875	Charles J. Kuchel	Embezzlement	5 years.

COMMUTATIONS RECOMMENDED.

Commute Benjamin C. Edwards to five years from date of sentence.
Commute George C. Brotherton to seven years from date of first conviction.

Commute Lewis C. Brotherton to seven years from date of first conviction.

Commute George L. Howard to seven years from date of first conviction.

Commute Charles H. Starr to two years from date of sentence.

Commute Joseph Casey to four years from date of imprisonment.

FOR FAVORABLE CONSIDERATION:

P. Moreno—murder second degree; term, life, from November thirtieth, eighteen hundred and sixty-seven. Was arrested after an absence of eleven years from the county in which the crime was committed. Recommended to the Governor for executive clemency.

James Carrol—recommended to the favorable consideration of the

Governor, and his attention is called to the evidence on file in his office.

F. A. A. Ohlofsky—recommended to the favorable consideration of the Governor, and his attention is called to papers on file in his office, throwing light upon the case.

C. W. Smith—sixty-four years of age; recommended to be restored to citizenship at the expiration of his term of sentence.

Patrick Collins—recommended to the favorable consideration of his Excellency the Governor, and his attention is called to affidavits of his innocence on file in his office.

Jacob Wilkerson—age fifty-eight; murder second degree; term forty-five years; is recommended to the favorable consideration of the Governor.

Frederick Richardson is recommended to the favorable consideration of his Excellency for executive clemency.

The following list of names, furnished by the officers of the State Prison, is most respectfully submitted to the Governor for his favorable consideration, the committee recommending that he take such action in the matter as he may deem just and proper:

CALIFORNIA STATE PRISON.

Hon. Paul Shirley, Chairman Senate State Prison Committee:

SIR: The following is a list of the names of persons that we, the officers of the California State Prison, present to your honorable body as worthy of Executive clemency for faithful services rendered during the recent conflagration at this prison.

It is proper also to state that the men that compose this list did, apart from the active and valuable services rendered in the work of subduing the flames, band together and pledge themselves to stand by the officers of the prison in case a revolt among the convicts should occur; and furthermore, to their untiring energy the preservation of the cell buildings, hospital building, and inside offices is undoubtedly due.

A. C. McALLISTER,
CHARLES AULL.

Tom Jackson,
George McDonald,
Dan Haley,
George Hoge,
Newt. Morgan,
Ned Eagle,
Frank French,
William Williams,
Robert O'Malley,
John Grant,
Joe Edwards,
Shorty Simpson,
William Herbert,
George K. Davis,
Pat Carmody,
Ah Ping,

C. Gunther,
J. Dorsey,
J. Sullivan (4,755),
M. McGee,
J. Whitmore,
C. Secunda,
M. Delaney,
José Rico,
Bill Davis,
Andrews (Bigfoot),
A. Shirley,
F. Harris,
Ben Edwards,
William Doyle,
William Donovan,
George Cleaveland,

William Winkley,
Bill Berger,
J. McCann,
Austin Smith,
Pat King,
J. Renfrow,
Charles Holmes,
A. Stewart,
George Lowery,
Charles Bird,
Henry St. Clair,
F. A. A. Ohlofsky,
Charles Bennett,
Bob Matthews,
Ben Johnson,
F. S. Bates,

Richard Dickson,
 Ah Ball,
 J. J. Kelly,
 John J. Marks,
 Butt Riley,
 Robert Buynham,
 George Howard,
 George Brotherton,
 Louis Brotherton,
 Dan Greene,
 F. K. Smith,
 Stephen Wiggins,
 A. Hoffman,
 M. Haley,
 Mike Mallan,
 William McNair,
 J. D. Hayes,
 J. H. Hudson,
 Tom Dunn,
 A. Nelson,
 L. Tuffts,

William Ludgate,
 A. Cook,
 M. Donovan,
 William Blanchard,
 Joe Casey,
 Jim Southerly,
 J. Richardson,
 William Ensign,
 F. Emerson,
 J. O'Brien,
 Thomas Campbell,
 C. Kuchel,
 J. Brown,
 Charles Sheppard,
 A. H. Parker,
 E. McKinley,
 Tom Woody,
 Pete Stanley,
 P. A. Dumas,
 Bill Hayes,
 Joe Gibbons,

Ben Doyle,
 William Hayward,
 A. P. Hamilton,
 John Jones,
 Tom Rodondo,
 Richard Cochrane,
 E. Brack,
 J. J. Hayes,
 W. C. O'Neil,
 William Bunner,
 N. C. Gilbert,
 James Carrol,
 Charles Kyle,
 J. Thatcher,
 Frank Smith,
 L. Lavanet,
 William Keating,
 Robert Ennis,
 W. Warren,
 John Lamott,
 E. Frost.

All of which is most respectfully submitted.

PAUL SHIRLEY, Chairman.
 G. W. GIFFEN,
 Chairman Assembly Committee.

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REPORT

ON THE

BRANCH STATE PRISON AT FOLSOM,

MADE BY THE

ASSEMBLY COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

REPORT.

Mr. SPEAKER: Your Committee on Public Buildings and Grounds, which has had under consideration, among other matters, the affairs and condition of the Folsom Branch State Prison, beg leave to submit the following as their report on the same, as also the accompanying recommendations. It may be proper, however, to give in this place a general and concise history of the Branch Prison, in order to arrive at a better understanding of the whole subject-matter. The Folsom Branch State Prison has a history which extends back over eleven years. As early as eighteen hundred and fifty-eight the Legislature saw the necessity of enlarging the prison accommodation, and by an Act of April fourth, of that year, the Board of State Prison Directors were empowered to select a site for the Branch Prison, and to employ a certain number of convicts in building such a structure as would be suitable for the purpose. The Act of March thirtieth, eighteen hundred and sixty-eight, supplemented the former Act, and directed the Board of State Prison Directors, before July first, eighteen hundred and sixty-eight, to select a site for the Branch Prison building either at Rocklin, Placer County, or Folsom, Sacramento County.

On December first, eighteen hundred and sixty-nine, the Board reported to the Legislature that, in compliance with their instructions, they had selected Folsom as the site of the Branch Prison, and had taken from the Natoma Water and Mining Company a deed for three hundred and fifty acres of land in that locality. Subsequently, under Mr. Booth's administration, a further deed for about one hundred and thirty-three acres of land was made to the State by the Natoma Water and Mining Company; all of which land was conveyed in consideration of the State's removing a certain number of convicts to Folsom, and giving the grantor the use of their labor to the extent of fifteen thousand dollars, calculated at the rate of fifty cents per day for each convict so employed. It might be well to point out here that this land is so situated, and is of such a nature, as to afford every reason to expect and believe that the labor of convicts can be there employed in a manner which will not only enable them to support themselves, thus removing a portion at least of a heavy burden from the over-weighted tax-payers of this State, but will also enable the State in a very short time to reap a profit from the labor of the prisoners without, in any manner, interfering with or decreasing the legitimate gains of that portion of our citizens

engaged in skilled mechanical industry. This is no illusory hope. Your committee have for themselves seen the almost inexhaustible quarries of granite on the land, for which granite, when cut, the demand is far in excess of the supply. The labor of quarrying and cutting stone, being at once healthful and laborious, is peculiarly suited to prisoners. The art of cutting stone is one easily acquired, and when acquired cannot fail to be unceasingly remunerative. A skillful person can cut two hundred blocks of this stone in a day—the price paid for the labor of making them is two cents each. Of course it is not expected that a convict will do so much, but if we take the value of their labor at one-half we have for each convict employed on this work two dollars per day. Allowing for tools used, for powder, incidental expenses, etc., fifty cents per day, we have one dollar and fifty cents as the net earnings of each person. Assuming that three hundred, out of the five hundred prisoners it is proposed to confine at Folsom, be employed in stone-making, this industry alone will yield to the State an income of four hundred and fifty dollars per day—a better result, certainly, than can be attained by farming the prisoners out to contractors, who force them into competition with free white labor, at from fifty cents to one dollar a day.

Vegetables for the use of the prison can be cultivated on many parts of the land, which is well watered throughout, and thus a cheap and wholesome supply of provisions can be secured by a judicious use of the labor of the convicts.

Portions of the land are sufficiently wooded to furnish all the fuel required for many years to come. In addition to the large water-power which the State has here acquired, and which offers inducements for engaging in many profitable manufactures, there is an abundant supply of water for the uses of the prison at an elevation of fifty (50) feet above the floor of the building.

To go back to the history of the prison. We find that after the report of the State Prison Directors had been made, nothing further was done in the matter, until by the Act of March thirtieth, eighteen hundred and seventy-four, which appropriated one hundred and seventy-five thousand dollars to the Branch Prison, it was rendered imperative on the Board to commence work at Folsom on or before October first, eighteen hundred and seventy-four. A contract was entered into with M. Miles, on the first day of September, eighteen hundred and seventy-four, for the completion of sections numbers one and two. Work was then commenced, and continued until November, eighteen hundred and seventy-five, when, in consequence of the bankruptcy of the contractor, it was stopped, and the building now stands in the unfinished condition in which he left it. Such is a brief history of this building, which was projected many years ago on account of the urgent necessity then felt for increased prison accommodation. And your committee does not think that this necessity has been at all lessened by the lapse of years, or that there should be any difference of opinion as to the advisability of immediately providing such increased accommodation, and this feeling of necessity has been a very strong factor in their deliberations and the conclusions arrived at by them.

The means by which this very necessary object can be attained is one of the questions which has been presented to this Legislature to determine. Your committee, therefore, for the information of this

House, submit the following facts, in doing which it will be necessary to recapitulate some matters already set forth:

First—The two first sections of the building at Folsom are already advanced to a stage nearly approaching completion, and have, up to this time, cost the State seventy-nine thousand one hundred and twenty-four dollars and sixty-one cents; the contractor further claims that there is a balance still due him amounting to nineteen thousand seven hundred and eighty-one dollars and eighteen cents.

Second—The State, on taking a deed of the land on which the prison now stands and other lands adjacent thereto, from the Natoma Water and Mining Company, contracted to supply the company with fifteen thousand dollars' worth of prison labor, no part of which has yet been furnished, and as the land is now in possession of the State there can be no doubt but that the Natoma Water and Mining Company will have its remedy over against the State if this building be not completed, in which case, of course, the prison labor cannot be furnished as agreed upon.

Third—There is now on the ground a large amount of materials, estimated at ten thousand and seventy-three dollars and fifty cents, which the State might buy at a reasonable price, and which, having been purchased with special reference to the work on this building, and being on the ground, might be used no doubt to great advantage.

Fourth—The building at Folsom is—and for this the committee has the authority of all the experts who have examined it, as well as their own personal inspection—a strong, durable, and substantial edifice; whereas the buildings at San Quentin (with the exception of the workshop building, now burned up), are comparatively worthless.

Now, on one hand we have the proposition to enlarge the prison accommodation at San Quentin, and on the other, to go on and complete the building at Folsom. In view of all the facts, your committee feels bound, in the interest of the State, to make the following recommendations. But before doing so, it would be well to understand that it is not contemplated that the building should be completed strictly according to the original plans and specifications. Considerable modifications have been suggested by a competent architect which will materially decrease the cost, while not impairing the strength and utility of the building. The extent and nature of these modifications can be better appreciated from the following figures:

Cost of building as per present plans.....	\$488,146 13
Cost of building as per modified plans.....	256,346 00

To finish the building as it now stands, using the modified plans, will cost one hundred and sixty thousand dollars, and these figures include the price of the materials on the ground, and provide for free white labor. Consequently they will be much reduced by the employment of prison labor, which can be utilized safely in the class of work contemplated in the modified plans, and the building, when completed according to such plans, will afford accommodation for five hundred (500) convicts, one in each cell. The recommendations of the committee are as follows:

First—That the disposition of the whole Branch Prison matter be turned over to the Board of State Prison Directors, and that they be

authorized and instructed by the Legislature to make a fair trial to see whether the building can be advantageously finished as above set forth, and if it can be so finished to go on and complete the work.

Second—That said Board be further authorized to make such terms with the contractor as in their opinion may be of benefit to the State, for the purchase of the materials already on the ground and for the completion of the work.

Third—That there being already in the State treasury eighty-five thousand six hundred and ninety-four dollars and seventy-three cents to the credit of the Branch State Prison Fund, a further sum of thirty thousand dollars be appropriated to carry on the work on the Branch State Prison, or such other sum as may on examination be found adequate for said purpose.

And the committee further reports the testimony which they have taken, and which is attached hereto and made a part hereof. All of which is respectfully submitted.

CORNWELL, for the Committee.

TESTIMONY.

H. G. LIVERMORE, sworn.

The facts are simply these: There was very early, in Governor Weller's time—as early as that—a law providing for a branch prison, and authorizing the Board of State Prison Directors to select a site therefor. That law was in abeyance till Governor Haight's time, when a law was passed directing the Directors to choose a site by or before a certain day. And that Legislature enacted a law making it the imperative duty of the Board of State Prison Directors to elect a site and carry out the law. The original law provided that this Branch Prison should be built by convict labor. The State Prison Directors went and made an examination of all the places, and they selected Folsom. But they reported to the next Legislature that no appropriation having been made, they had failed to carry out the law. Then the last Legislature enacted a law conclusively fixing the site and making an appropriation.

Now, as regards the relation of the Natoma Water and Mining Company with this matter, I will state it just as shortly as I can. I will state that Governor Haight was always in favor of this project, and this has always been considered an eligible site from the time of Governor Weller down. Governor Haight said that if he could have an examination of the ground made, and it was passed upon by competent authority, he should favor the passage of the law. General Alexander went down there at Governor Haight's request, and sent in a report. Upon that report being brought in, Governor Haight embraced the project, and it was passed near the close of the session. As to the eligibility of the site, General Alexander's report was very favorable.

And now I want to speak about this matter of stone-cutting. It has been tried in other prisons and found to be the best work for convicts. It is hard work, and healthy work, and it is profitable work. These considerations influenced Governor Haight.

[The witness here read from Exhibits A and B in reference to the industry of stone-cutting.]

Now, as to the title. The State title is indefeasible. It has been passed upon, and it is indefeasible. There remains just this: these deeds are partly in nature of a contract—

Mr. Clunie—Yes. As I understand, we agreed with this company that, in consideration of this company giving this land, that this prison should be erected?

A.—And that we should get State Prison labor.

Q.—You gave them (the State Prison Directors) a deed in fee to the land?

A.—Yes, sir.

Mr. Cornwell—I find two deeds—one for three hundred odd and one for one hundred and fifty acres?

A.—The first deed that we passed was for three hundred and fifty acres; it was segregated from the upper part of the Rancho de los Americanos, making a section, as it was on the map. But when the ground came to be occupied, Governor Booth thought there was not enough land—that this deed brought the limits too near the prison site; so, at his suggestion, we made a deed for one hundred and fifty acres more.

Mr. Clunie—What have you got in consideration of doing that?

A.—Nothing. Now, when we ceded this land, there were about one hundred and fifty men living there. When that was first ceded, all the granite that had been taken out had been taken out there, by Piper, Griffith, and others. The foundations of this building (the Capitol) are made of this granite.

Mr. Clunie—How much was this prison estimated to cost?

A.—This was always the idea, that temporary buildings might be put up there, and convicts set to work to build the prison. Miles' contract provided that he should build at his own expense the temporary buildings provided for by law. It was expected, probably, by him that the State Prison Directors would allow him fifty or sixty convicts. One hundred and fifty convicts could build all this building. Now, I don't want to diverge, but I wish to say one thing. When the State took this land, there was one hundred and fifty men living there in various houses—boarding-houses and tenements that stood on the land that was ceded to the State. Governor Haight did not exert any care of it, and a fire occurred and swept off all those buildings; they would have been available to accommodate convicts. We had derricks there burned, and tools and things of that kind that were on the ground.

Mr. Cornwell—I desire to get this thing into shape, and get at the relative position of these parties—what they have done and what they want the State to do. Then we will get the results of the quarrying, and such other information as Mr. Livermore can give us. Go on.

A.—Yes, sir. Four years ago, the State Prison Committee reported that they had examined those grounds. They found the site extremely eligible. They reported that the monthly rental value of that property was five hundred dollars a month. The State has had that property for eight years. The company would have made forty-eight thousand dollars if they had continued in possession.

Mr. Bagge—Do you mean that you got that in rent?

A.—The State Prison Committee reported that that was the rental value—five hundred dollars a month. It was worth that for a man to take out granite. If we were to claim compensation from the State we should consider that as right.

Mr. Clunie—What do you consider the obligations of the State to the company in reference to going on with the work?

A.—I consider that they have got land of great value, and the consideration was fifteen thousand dollars' worth of prison labor, to be paid at their convenience—that is, to be expended in making the water-power and canal. When that canal is completed, it will give us two thousand horse-power.

To Mr. Bagge—Our compensation was thirty thousand days' labor—fifteen thousand dollars' worth of State Prison labor. The case with the company is this: If the State should not go on, it would be very much better for us; what the State would give us, we consider that we should have to get that rental value. The committee found, as a matter of fact, that the value was five hundred dollars a month.

Mr. Cornwell—The State has acquired property from this company in consideration of the State's erecting a prison there, and giving it a certain amount of convicts, and supplying that company with thirty thousand days' labor of those convicts.

Mr. Clunie—And assisting in utilizing the water-power there.

Mr. Cornwell—But the State derives some benefit from that, and so does the company. Here is the proposition. The State must do one of two things; either put him in as good position as if he had not started at all, or give the company their labor. If the Legislature should see fit to abandon that site, then the question arises as to compensation.

A.—No; I want to say one thing. To refer to the consideration that has always been of great weight. The State Prison Committees have given consideration to these facts. That working of stone is profitable work, and an industry at which you can utilize prison labor so as to keep from competing with the mechanics in San Francisco. The work done in San Quentin takes the bread out of the mouths of the chair-makers, shoe-makers, etc. Now, suggesting uses for the State Prison labor, and here they are: Now, the wood that makes the furniture at San Quentin all comes through Folsom. The price of freight is but little more from here than from San Quentin, because the route there is in the hands of a monopoly. Not, perhaps, all the wood, but I know a great deal of it, most of it, goes down there. I mean live lumber, not fancy wood. I have had some experience in rafting down that stream with a drive for about three years with another man. We got down there without difficulty, but we were so delayed there by a jam at the falls that we lost many logs. Now, when that dam is complete you will be able to bring down such a pack of lumber as is only seen in Maine. Now, when you get this lumber, here is another industry—sash and door-making. That won't interfere with mechanics; Chinamen do all of that. I know of one man who employs one hundred and fifty, and there are altogether about four hundred Chinamen at that in the State.

To Mr. Lambourn—The amount of lumber we could get to float down that river is almost inexhaustible. It is nearly illimitable. We recommended eight years ago that this water-power could be used in manufacturing jute. It could be made into bagging for the farmers. Any man who could have that water-power would take a contract for two hundred men. This is an economy greatly needed in this State. I make these suggestions not only as to the employment of this water-power, but also of these convicts.

Mr. Bagge—What right would the State have to the water-power?

A.—They have the whole water, from its first fall, exclusively through the State grounds. We contracted to give the State five feet, but nevertheless, if the construction of the dam makes the fall eight feet, we have no objection to let the State have eight feet—the right to eight feet.

Mr. Lambourn—The greater the fall the more power you have?

A.—Certainly. Now, this dam is above the grounds. We dam the

water in above the grounds and bring it down in a large canal from the ditch; where the machinery may be to the ditch below the tail-race is five feet.

Mr. Lambourn—In case you get eight feet, will you grant the State eight feet?

A.—The State has the first use of the water, and we use it after the State. When it passes the State ground it flows into our canal; before that it is their water. We dammed the whole river and made a canal there. I moved a good deal of granite in making that canal.

Mr. Bagge—Where do you get water to supply the prison itself?

A.—That comes out of the south fork of the American River. It comes in an open canal that has been there now twenty-three years. We can carry the water over the whole place. The prison has the right to use that water.

Q.—How much did the State pay you for this land?

A.—Nothing; only the promise for thirty thousand days' labor to finish the canal. In my opinion, that will be a very profitable enterprise for the State.

Mr. Clunie—Are there any limitations as to the amount of granite that the State can take out? What about this fifteen feet?

A.—No; no; there is a demarcation made for our canal. It is only to give us room for running our canal; you may go as deep as you please when you get fifteen feet from the water-power. The State is absolute owner, in fee simple, of that. You may go to the center of the earth, but you must protect our channel.

Mr. Cornwell—Read from the deed the portions referring to water-power.

Mr. Livermore—I will say, that that grant was segregated by a surveyor that Governor Booth sent down there.

Mr. Broderick—Was there any condition as to the size of the building in your contract with the State?

A.—No; five hundred cells was what they spoke of.

Mr. Cornwell—Now, can you tell us anything about Miles' contract?

A.—The advertisement under which the contract was let was published in all the papers. The contract was drawn by Wilson, of San Francisco, and Love, the Attorney-General. It was professed by all to be a perfectly valid contract. There were three bids. I saw them opened. Miles was accepted, and he got his bondsmen. The contract was to build two sections, that were specifically pointed out in the architect's design. He undertook to build two sections for one hundred and forty-nine thousand dollars, giving able bondsmen.

Here Mr. Livermore and Mr. Clunie had a lengthy discussion concerning the disposal of the twenty per cent. remaining due on Mr. Miles' contract, in the course of which Mr. Livermore said:

But, Mr. Clunie, the architect himself admits that the work was over-estimated. He says himself he passed more.

Mr. Clunie—[Interrupting]—What do you mean? Do you mean that the sworn officer of the State—that Mr. Ball acknowledged to you—that he admitted that he passed more work done than had been done?

Mr. Livermore—Yes, sir; he said so.

Mr. Clunie—Now, take this down. Go on Mr. Livermore, make your statement.

Mr. Livermore—I think it's right for me to tell this.

Mr. Clunie—Right; of course it's right.

Mr. Livermore—Mr. Ball told me—it is right for me to tell it—he says, that the contract provided that the contractor should make his own estimation of the value of the work, as he proceeded on the work, and from time to time should submit that to the architect for his approval; that he undertook to revise the contractor's estimate of the value of the work, and he was told that he would lose his place if he did; and though he knew that that over-estimated the value of the work, he felt compelled to sign it. One of the State Prison Directors, Drury Melone, said: "You must do this, because the bondsmen are good for it, and if you do over-estimate, you will have it made up to you in the final finish of the job." Mr. Ball states that Mr. Miles made the above statement to him, and not Mr. Melone; and if so, I misunderstood him.

R. C. BALL, sworn.

Mr. Cornwell—What is your first name?

Answer—Robert.

Q.—I will ask with reference to the present position of the work, as you understand it, of that prison at the present time, if they have gone on according to the contract?

A.—So far as the contract has proceeded they have, or very nearly so. They have followed out the contract in detail, so far.

Q.—Can you tell, from the relative amount of work done, the probable cost of that contracted for?

A.—The contractor has been paid according to schedule furnished to me. He furnished a bill of items and schedule, with the prices annexed. He has been paid the quantities with the prices set opposite, according to his estimate. I have computed the amount of work done relative to the cost of the work to be done. I presume his estimates are correct, but don't know it of my own ability; I could not say.

Q.—Have you ever yourself estimated as to the probable cost of the construction of the work not completed under that contract?

A.—I examined it with another party. He made an approximate bid. He did not figure it down as a bidder would.

Q.—Have you that with you?

A.—I recollect pretty nearly what it was. The amount was about ninety-six thousand dollars to complete this contract. Other parties have made it as high as one hundred and twenty-five thousand dollars.

Q.—This estimate is one which you think is approximately correct?

A.—I believe it is approximately correct. With economy, perhaps the work could be done for ninety-six thousand dollars.

Q.—Who estimated it at one hundred and twenty-five thousand dollars?

A.—The party who estimated it thought at the same time it might be done for ninety-six thousand dollars?

Q.—What is his name?

A.—N. P. Perrin. The highest estimate was one hundred and twenty-five thousand dollars, and the lowest ninety-six thousand dollars; but I have heard it assumed it could be done for eighty thousand dollars.

Q.—That was an assumption without an estimate?

A.—I don't know what it was the result of.

Q.—With reference to the work done there, is it fully up to the contract as agreed to?

A.—Yes, sir; very nearly. It is a first-class piece of work.

Mr. *Clunie*—What amount of work has been done? What is the value of the amount of work done?

A.—According to the schedule, ninety-eight thousand dollars. That is what it figured up. I will refer you to this estimate of my own.

Q.—This estimate shows ninety-eight thousand dollars that you have allowed. I will ask you if for all that work you were on the ground yourself and made an inspection of it?

A.—Yes, sir.

Q.—Was the work done according to your measurement?

A.—Yes, sir.

Q.—Did you ever over-estimate this work?

A.—No, sir; not that I know of. If there was it was an error. I made all the measurements of the work myself, and Mr. Clark took down the figures I gave him.

Q.—Now, whose figures were you bound by in making your monthly estimate—Mr. Miles?

A.—No, sir; I was bound by my own figures.

Q.—How if your figures did not agree with Miles?

A.—That did not make any difference.

Q.—You were there on the part of the State to protect the State's interest?

A.—Yes, sir.

Q.—The actual amount of work done is ninety-eight thousand dollars?

A.—That is what it foots up.

Q.—Did you ever make any statement to any person that you had over-estimated this work?

A.—Never.

Q.—You never made any statement of that kind?

A.—No, sir; I never did over-estimate the work.

Q.—You don't think you ever did?

A.—Not unless it was done in this way: I might have received a schedule that was for higher prices than the work could have been done for.

Q.—Was it not your business to see to that?

A.—No, sir; it was not my business. The schedule in the aggregate was right, and I presumed it was in detail.

Q.—What made you think the work could have been done for less?

A.—It was communicated to me by different parties that the estimate was too high.

Q.—Any estimate submitted to you by Mr. Miles you took?

A.—No, sir; any estimate he made at the time the contract was let. He never gave me any figures at the times we made our monthly reports. I made it up myself, according to the schedule furnished me.

Q.—Did the State Prison Directors ever see the original schedule?

A.—I don't know that they ever did see the original. My figures have been upon the basis of the estimate I had to start by.

Q.—Who was it said the work could be done for ninety-six thousand dollars?

A.—Mr. Perrin said the work could be finished for ninety-six thousand dollars. Several parties have communicated to me that the work could be done for eighty thousand dollars or seventy-five

thousand dollars. Mr. Duncan offered to take the contract off Miles' hands for eighty-two thousand dollars.

Q.—As I understand you, the State has received, in labor and material on account of the contract up there at Folsom, ninety-eight thousand dollars, for which they have paid only eighty per cent?

A.—That is what I understand, but I don't know.

Mr. *Chapman*—What was the whole contract price to be paid for this whole work?

A.—One hundred and forty-nine thousand three hundred and ninety-two dollars.

Q.—How much has been paid of that amount?

A.—Seventy-nine thousand dollars has been paid.

Q.—That includes for extra work?

A.—Yes, sir.

Mr. *Lambourn*—It is your estimate that it will cost ninety-six thousand dollars to complete it.

A.—It was made by Mr. Perrin. He fixed the prices to each article and I set them down, and together we computed it in that way. What he said was, that to complete it with a certain class of articles, would cost ninety-six thousand dollars; but with a better class, it would cost one hundred and twenty-five thousand dollars.

Q.—What is your estimate that it will cost?

A.—I have never made a detailed estimate on my own hook alone.

Mr. *Clunie*—As the contract has been carried on occasional differences developed themselves, and that extra work was commenced to be done?

A.—I will state regarding the nature of the extra work. When we excavated for a foundation we thought we would have a granite bed. We found under the cell-house, about one hundred and twenty-five feet from the main building, that we had to excavate about sixty-eight feet, for a body of loam was there that we could not have got a foundation on. The result was we had to allow that much extra wall. The lower wall was sixteen feet deep; then it ran off to nothing. That is almost the entire extra work.

Q.—The contractor and you differed as to extra work?

A.—Yes, sir; I thought he claimed too much; I insisted upon it, and the matter was brought before the Directors. I only allowed him ten thousand dollars, and he claimed more, and we had a fight, and they sustained me in the fight. The Board had me there to make those estimates, and I did it.

Q.—Do you know the amount of extra work he claims to have done?

A.—I do not know.

Q.—All of the payments for this extra work came out of the contract price—out of the money appropriated?

A.—Yes, sir.

Mr. *Lambourn*—You were subject to the estimate made by the contractor on the schedule. Now, were these prices cheapened by the Board?

A.—No, sir; the work was to be done according to the estimate; you will see by his bid.

The *Chairman*—He says here [reads from the bid].

Mr. *Clunie*—Was the schedule changed during the proceeding of the building?

A.—No, sir.

Q.—That schedule price was filed where?

A.—With me.

Mr. Chapman—By what means was this extra work arrived at—by a new contract?

A.—No, sir; it was arrived at by taking the prices of the same class of work in the schedule.

Q.—In paying for that extra work, did you deduct the twenty per cent.?

A.—Yes, sir. The extra work consisted of the wall foundation. I don't remember that I allowed for anything but this wall.

Q.—You said that you based your estimates on the schedule price given you by the contractor—that was the price by which the contract was carried on?

A.—Yes, sir. Before he got the contract, he gave me a detailed estimate of the different items of the work.

Q.—And when he got that bid accepted, you took that schedule as your basis for paying him every month?

A.—Yes, sir; that is it.

Mr. Bagge—What can the whole building be finished for, according to Miles' estimate?

A.—I believe his entire estimate was four hundred and forty-three thousand dollars. He was the lowest bidder on the entire work.

Mr. Clunie—Are you one of the creditors of Miles—have you any interest in this?

A.—Not any interest except this: I signed a note with Miles for seven hundred dollars before he failed, and of course, I am held on that now. I signed it as a kindness to him.

Q.—All these estimates were made before you went on his note?

A.—Yes, sir; just before he failed. The note shows for itself; it was about a month before Miles failed. He failed on the tenth of September, and the note was due on the twenty-second.

Q.—All of your estimates were approved by the State Board of Prison Directors and allowed?

A.—Yes, sir; I believe they were. I expect they paid him on all my accounts.

Mr. Clunie—Now, as to what the work done on that building was worth. You have stated that you based your monthly reports on the schedule. Now, leaving the schedule out of sight and going on the merits of the work, what do you estimate it at?

A.—I estimated it solely on the schedule; I went solely by the estimate on the schedule. There has been a good deal of outside talk about this thing being done cheaper, and the estimate being too high, by Mr. Livermore and some other parties.

Mr. Clunie—He says that Miles had received too much.

A.—That was his opinion; I felt in duty bound to pay according to the schedule. I met him at the time the prison started.

[Here Mr. Livermore made a statement disclaiming that he ever, either directly or indirectly, made a bid to build the prison.]

Mr. Clunie [to Mr. Ball]—You don't know what amount of extra work you did allow?

A.—It is all in the report; that will show it.

Mr. Cornwell—With reference to this work, to complete it, you say that the estimates ranged from eighty thousand to one hundred and twenty-five thousand dollars; that shows, then, approximately, that would take one hundred thousand dollars more, in all one hundred

and eighty thousand dollars, to accomplish what this man agreed to do for one hundred and fifty thousand dollars—including extra work, one hundred and sixty thousand dollars?

A.—Yes, sir.

Q.—So there has been a difference against the State of twenty thousand dollars; so there has been a mistake as to the amount of work done and to be done?

A.—The amount allowed has been allowed on Miles' schedule; as to what the bid aggregates, that is already stated in the contract.

Mr. Clunie—Before he got the contract Mr. Miles could have had no object, when these estimates were made, in setting higher figures opposite each item, before he did any work at all?

A.—No, sir.

Q.—Now, some people say, that for that work that has already been done, these estimates were too high; and yet there was nobody, when the contract was to let, that would take the contract at that time at his figures.

A.—He was the lowest bidder—over one hundred thousand dollars less than anybody else.

Mr. Chapman—In making this bid, did he bid in one gross sum, or did he bid on the different parts?

A.—On the different parts.

Q.—The lowest aggregate was Miles'. Now then, how did Miles' bids compare with the others on the different parts?

A.—He was about ten thousand dollars the lowest.

Mr. Chapman—In these two sections that were let Miles, the contractor segregated the different items; now, as to his estimates on these different items, how did they compare with the others?

A.—He was about fourteen thousand dollars lower on each of them, all the way through, than any other bidder.

Q.—Now, each of these sections was separately bid for; now, then, how did Miles' bid compare with the others on the first section?

A.—He was about fourteen thousand dollars lower on the items.

Q.—Did that run all the way through?

A.—Yes, sir; at the end he was away below.

Mr. Clunie—In comparison with other figures, he took the contract a good deal lower than anybody else—lower than any other man?

A.—Yes, sir.

Q.—If you were at Folsom, could you make an estimate in one day so as to tell us whether that work is worth ninety-eight thousand dollars or not?

A.—I would prefer you to send some one else; you might think I was biased.

Q.—Where are the different bids?

A.—I don't know what the Directors did with them; they were left with them; I don't know but they were withdrawn with the check for five thousand dollars they had on file. I have a copy of them in San Francisco, which I put in a book for reference.

Mr. Cornwell—Now, as to this sewerage matter. It was brought to our attention the manner in which those cells were arranged.

A.—No, sir; I think myself that that arrangement is correct. They are less liable to be injured in the cells than they would be in the corridors. Those cells were built that way; and they would never require to be changed.

Q.—Yes; but if any damage did happen to the pipes, how are you going to get at them so as to repair them?

A.—They could be repaired by taking out a few stones, and going in there and fixing them. If the work of laying them is properly done and superintended, they never will be injured. The proper way to lay that sewer is in a concrete bed.

Q.—Is that provided for in the specifications?

A.—Yes, sir.

Q.—But they are not laid that way?

A.—The work was stopped, I would not accepted it.

WILLIAM JOHNSTON, sworn.

Mr. Cornwell—What connection have you had with the Branch Prison at Folsom?

Answer—I was State Superintendent.

Q.—Are you familiar with the work that has been done there?

A.—Yes, sir.

Q.—How does it compare with the plans and specifications under the contract?

A.—Well, it is a near enough compliance to make the building sufficiently strong, all that was necessary for strength.

Q.—Are there any deviations from the contract; and if so, please designate them?

A.—There are no deviations from the plans and specifications, except in so far as the work is not so well done, not in strict compliance with the plans and specifications.

Q.—In what respect?

A.—The strength is equal. But he dispensed with a good deal of cutting that is not absolutely necessary to give it more strength, but probably would adorn it a little more.

Q.—Nothing, however, to injure the utility of the structure?

A.—No, sir.

Q.—Have you the ability to estimate what the completion of that would cost?

A.—Yes, sir; I think I have. I have never done so, however, only on certain portions.

Q.—Have you ever tried to make an approximation?

A.—No, sir; I never have. Where you would incur the greatest cost would be the cells, which have to be done entirely.

[Mr. Johnston's estimate, marked "Exhibit A," was put in in evidence.]

Mr. Clunie—What do you think it would cost if that labor was done by convict labor—how much would that reduce it? What is the value of the materials, as distinguished from the value of the labor?

A.—That would depend upon circumstances, as to whether they were skilled laborers or not that were employed. If new stock were to come in as apprentices, it would take more money than if you had men used to the work.

Q.—I mean prisoners.

A.—It would certainly take a good deal of money to prepare place to keep them. It would cost more; because you would have arrange cooking apparatus and everything else.

Q.—Admitting that they could provide work, what would be the

difference—what is the value of the material and the value of the labor?

A.—These items are not separated; they are taken as a whole, based upon an estimate for white labor.

Q.—Now [referring to Exhibit A—portion of contract uncompleted], here is fifty-nine thousand seven hundred and forty-nine yards, at one dollar and seventy-five cents. What is the labor worth for that?

A.—It is worth just what is given there in figures.

Q.—That is, for labor entirely?

A.—No, sir; that is for everything; preparing the material and completing the building, one hundred and four thousand five hundred and sixty dollars—that is, for fifty-nine thousand seven hundred and forty-four cubic yards.

Mr. Cornwell—As I understand, that would be all for labor, as the material is there on the ground, and the only separation would be as to preparing it?

A.—I don't think there would be a great deal saved in that respect. In the first place, the material as it is has to be quarried.

Mr. Cornwell—Now you estimate on taking the stone out of the quarry; now, how about the sand and cement?

A.—That includes everything—making the preparation, quarrying the stone out, getting it into its place, putting it into the job—into the building, and completing that entirely.

Mr. Clunie—Sixteen hundred lineal feet of pipe that you have to buy?

A.—Yes, sir. That is on the ground at the present time. That seven thousand dollars includes that material.

Q.—So this is for labor alone?

A.—Yes, sir.

Q.—Flagging and cement, one hundred and fifty thousand square feet, at forty cents—that is for work that has to be done there?

A.—Yes, sir; that has to be done entirely. You would have to quarry it.

Q.—Would you have to buy the lime and cement for that concrete?

A.—That includes lime, cement, and labor.

Q.—How much lime would you have to buy to get that fifteen thousand square feet in condition?

A.—The lime is a very small part of the cost. The stone is what would cost, and the cement.

Q.—How much lime do you need in that six thousand dollars worth of work?

A.—Well, in building a wall, a barrel of lime would build about one hundred feet.

Q.—For a hundred cubic feet you would want one barrel of lime?

A.—Yes, sir; in a wall, but not in flagging, where you use cement.

Q.—Just see what the labor and the materials would cost for this wall?

A.—It would take about twenty-five to twenty-eight cents to cut that stone; to get the stone laid would take about thirty cents; deduct the balance, and it would leave ten cents for lime and cement. On that six thousand dollar job, it would take about four thousand three hundred dollars to cut that stone.

Q.—Does that include the quarrying?

A.—Yes, sir.

Q.—Is there cement there on the ground?

A.—Yes, sir; a large amount—between two hundred and three hundred barrels.

Q.—Is that enough to do this job?

A.—Yes, sir.

Q.—Deduct the cement, and let us see what it would still be? How much would it cost for lime, the cement being already there?

A.—The lime would bear a very small proportion to the cost.

Q.—How much would it cost for cement?

A.—Well, I think, to put in the concrete under that contract would cost over ten or twelve hundred dollars.

Q.—For lime?

A.—For cement. The lime bears the smallest proportion. After cutting that stone, to lay it by white labor would run that flagging up to thirty-one or thirty-two cents.

Mr. Cornwell—The idea is to segregate the amount of labor and material, to see how much of that six thousand dollars goes for labor, and how much goes for material?

A.—The labor on the stone would be the cutting first. That might be perhaps twenty-eight or thirty cents. Then, by white labor laying it, would increase it about four cents.

Q.—The idea is this: Here is an item of six thousand dollars. You say it takes about a barrel of lime to a hundred feet of this?

A.—In a wall; yes, sir. It would require close calculation to find how much lime would be needed for eight inches of concrete. I know it would take about forty cents to put in that flagging. For it would take thirty cents for cutting; then some more to lay it down—six or seven cents more; then the balance would go for the composition of the concrete. The composition would be about three cents a foot in that fifteen thousand feet, or perhaps more than that.

Q.—Stone is worth nothing until it is quarried?

A.—No, sir.

Q.—Did you see what lime was there?

A.—I don't know how much lime is there; I saw a good deal in the lime-house, but Christie says it belongs to him; it would have to be bought.

Q.—Now, how much would it take for each of these items?

A.—It would take about thirty-three cents for the stone-cutting and laying it down there; the balance would go for the lime and cement.

Q.—How did you arrive at that six thousand dollars?

A.—We allow forty cents for flagging like that. You might ask me for instance, how I know that stone is worth one dollar and twenty-five cents; we know from experience that stone like that costs so much, but to separate a particular part into items, and how much there would be for each I could not do without calculation. I know it would take forty cents to do it, the same as I know it would take one dollar and seventy-five cents to put in that stone.

Q.—Now, as to the lime and cement, what relative proportions would you use?

A.—The specifications will show that. [Reads from the specifications.]

Q.—How much would it cost for the cement, and how much for lime?

A.—It would cost about four dollars for the cement up there, and about two dollars for the lime.

Mr. Cornwell—Now, then, the labor would be four thousand nine hundred and fifty dollars, and that would leave one thousand and fifty dollars for lime and cement—one-third of the one thousand and fifty dollars being for lime and the balance for cement?

A.—There is cement there; I do not know who it belongs to. Mr. Ball says he was allowed for it, and if he was, it belongs to the State; but I don't know that.

Q.—Now, the girders, camber-plate, straining-rods, etc.—that is all material?

A.—Yes, sir.

Q.—Joisting, that is all material?

A.—Yes, sir.

Q.—Doors for cells, plumbing, water-pipes and connections—all material?

A.—Yes, sir.

Mr. Clunie—Your statement is made upon the basis that there is no material there?

A.—Yes, sir; upon that basis that it is all to be bought.

Q.—You know that there is cement there, and lime, and locks there?

A.—I don't know that there is, but I understand so; I have seen the lime and cement.

Q.—Is it already there?

A.—It was when I left.

Q.—When did you leave?

A.—Last Friday.

Q.—You never saw the locks?

A.—No, sir.

Q.—You don't know whether they are there or not?

A.—No, sir; I only know it from Brown's and Miles' statement; but, then, they are boxed up, so far as I can learn.

Mr. Cornwell—In making these computations you figured as though there was nothing there, and you were going on to take that contract and do it for yourself or somebody else?

A.—Precisely.

Q.—Then that question of lime and cement could not change your figures in the aggregate?

A.—No, sir; for I do not know what quantities they have there, nor do I know the cost except what the estimate shows; I based my estimate for the locks upon an estimate of Mr. Ball's, of fourteen dollars for each of them. The same as to the water-closet item. Mr. Ball told me it would cost that amount of money to put them in.

Q.—Where did you ascertain the value of the locks?

A.—From Mr. Ball. I also heard Mr. Brown say that he could get these locks for fourteen dollars each.

Q.—Who is Mr. Brown?

A.—He is a gentleman in the hardware business in Folsom.

Q.—Where did you find out what the joisting in the second story would cost—the value of the lumber?

A.—I found out from Mr. Terry. I know that lumber would be worth fully as much as I stated there.

Q.—You just lump it here?

A.—Well, that lumber would be worth twenty-five dollars to twenty-seven dollars a thousand to get it up there.

Q.—You got your information from Terry?

A.—Yes, sir; lumber varies in price. I asked him what it was worth, and he told me.

Q.—Doors for the cells, where did you get that?

A.—From Mr. Ball.

Q.—Plumbing, where did you get that?

A.—I made some inquiries down town here about the prices; Mr. Ball said these doors would cost twenty dollars apiece.

Q.—How many are there?

A.—One hundred and sixty-eight.

Q.—Water-pipe, where did you get that?

A.—I ascertained down here what such pipe as that is worth; I also ascertained what the iron is worth—iron such as I have specified is worth four and a half to five cents a pound.

Mr. Chapman—What were you there?

A.—I was State Superintendent of that building.

Q.—When did you enter into that employment?

A.—At the commencement of the building.

Q.—Do you think this contractor has been overpaid?

A.—Take my estimate and take his contract and there is certainly a wide difference. Take the pro rata of his contract and the amount of the work done, he certainly cannot go on; if it takes one hundred and forty thousand dollars to finish his contract, and he has been paid one hundred thousand, it is very evident he cannot finish the work at the contract price.

Mr. Clunie—If you were figuring on that contract you would not take it at the price Miles did. There would be a very big difference?

A.—Yes, sir.

Mr. Clunie—How would you figure upon work that has been done?

A.—He has been paid thirty-five cents for work that I would have done for twenty-two. It would take one hundred and forty thousand dollars to complete it. That is, supposing as to the worth of the work already done.

Mr. Clunie—Now, what are the materials and work there worth?

A.—Well, I suppose the work, considering the way it is done, and the character of it (portion of it being underground)—for in making an estimate we must take into consideration the advantages and disadvantages of doing the work—these walls, for instance, are four feet wide, on an average and sixteen feet deep.

Q.—Well, now, could not you give us an aggregate amount?

A.—I could not tell you that.

Q.—What could that work at the foot of the wall be done for?

A.—For twenty-two cents a foot.

Q.—You say it could be done for twenty-two cents.

A.—Yes, sir; I should like to have it for twenty-five.

Q.—What did the schedule charge?

A.—Mr. Ball allowed thirty-five cents.

Q.—With reference to the sewerage—what do you think of the manner in which it is being put in there?

A.—Well, I would certainly prefer it being put in.

Q.—You saw the way those locks were put in?

A.—That is a thing I did not interfere with—the work to be carried out according to the specifications.

Q.—Then it would take two hundred and forty thousand dollars, in all, to finish this contract?

A.—That is, supposing the work done according to the specifications.

Q.—I also understand that to complete the contract would cost more than the contract price?

A.—It would cost pretty near what I have given you.

Mr. Chapman—The meaning of that statement is, that Miles has estimated what he has done, too high, and what he has not done, too low.

Mr. Cornwell—Don't you think it would have been better to put rubble work between the cells?

A.—No, sir; the specification is right there.

Q.—Is there any alteration that could be made there that would cheapen, and yet not impair the strength of the building?

A.—I think the ceilings could be made by putting in arches instead of large, heavy stone. The first floor could be leveled up with concrete and made a better floor.

Mr. Bagge—Don't you think that it will be more advisable and better to take those pipes outside?

A.—Yes, sir; I think so, decidedly. I should prefer them in the corridor. I think they could be concreted up solid, and by doing that you would obviate the necessity of covering them up with large, heavy stones.

M. A. CLARK, sworn.

Question—You worked up at Folsom under Mr. Miles, did you not?

Answer—Yes, sir.

Q.—Do you know what materials are there on the ground?

A.—Yes, sir.

Q.—Is there any cement there?

A.—There are some two hundred and fifty barrels of cement and from six hundred to seven hundred and fifty barrels of lime. All the drain-pipe, all the iron connections for connecting the cells with that sewer-pipe.

Q.—These all in accordance with the contract?

A.—The contractor claims that neither that iron connecting-pipe, nor the iron doors, or the water-pipe, nor the grating, were mentioned in his contract.

Q.—Are these locks there?

A.—A portion of them are on the ground, and a portion in the possession of Mr. Brown.

Q.—What Brown?

A.—The hardware merchant up there at Folsom. I understood that the State paid a portion or gave an estimate for them.

Q.—How came those locks up there at all?

A.—They were engaged by Mr. Ball himself, and through him ordered from the East. They lay there at the depot, all but eight or ten cases, which I transferred to the grounds myself. At the time Miles suspended, parties attached a portion of the locks on the ground, and were seeking to attach those at the depot, when Brown took possession of them to cover some claims he had against Miles. Afterwards he came to me and acknowledged his taking them, and to see whether I was willing to allow him to have them, and I permitted.

Mr. Blackwell—You did not consider any of this property belonged to the State?

A.—All of it belongs to the State, with the exception of a portion of the locks.

Q.—Can you designate the portion?

A.—No, sir; not precisely. Of the one hundred and sixty-eight locks, there are about sixty or seventy on the ground. That would leave about a hundred or a hundred and eight in Brown's possession, and Brown's attorneys tell him that he would be unable to hold them against the State.

Q.—Do you know as a fact whether the State has paid any portion of the value of those locks?

A.—I have seen it in the estimates. I do not know whether they were paid or not. I did not see the money drawn.

Q.—You understand this business pretty well?

A.—I think I do. I have been a builder a great many years.

Q.—What was attached there?

A.—They attached the lime, cement, drain-pipe, iron pipe, water-pipe, lumber, and stone. They were all attached, but are now released by the proceedings in bankruptcy.

Q.—What amount of material would have to be bought in order to finish that contract?

A.—There would be none have to be bought. I am of the opinion that none of that work is required to be done under Miles' contract, none of the plumbing or iron work.

[Clerk read the specifications, page one.]

A.—[Continuing]—Those gratings are not required to be put in until section four of this work is finished.

Q.—Is there any plumbing in sections one or two?

A.—All this very work that Johnston speaks of is all plumbing work.

Q.—Is that how this controversy arose between Miles and the Directors?

A.—Yes, sir; he claimed it to be extra work, and they refused to pay him for it.

Q.—Are those locks mentioned there?

A.—No, sir; Miles did not provide them of his own free will. The architect did it and charged him with it. As a fact, he provided the iron pipe for connecting the sewers with the cells, although Miles held they did not belong in his contract.

Mr. Clunie—They have been paid for out of Miles' money?

A.—Yes, sir.

Q.—He did not take section four?

A.—No, sir.

Q.—Miles claims that material sufficient to finish the contract is already on the ground?

A.—That is the material that would be purchased and brought to the ground—not all the stone, the stone is there to be got out and worked.

Q.—The cost would be simply for labor in preparing that stone?

A.—Yes, sir.

Q.—There is more lumber for joisting to be bought?

A.—No, sir. Miles claimed extra work for that. At the commencement the architect stated that the joisting was not in Miles' contract; subsequently he required it be done. The completion of the

contract would be almost entirely labor, with the exception of this disputed work, which would require considerable material.

Q.—Mr. Johnston, if this plumbing was not there, your estimate would be that much less?

Mr. Johnston—Yes, sir.

Q.—You figured on the basis that it was in the contract?

A.—I understood so from the architect. I had no other basis to go on.

Q.—Under what particular section did the architect claim that Miles had to do this work?

A.—The architect thinks that certain work to be done under this contract is covered by the word "completion," which is in the specifications—the completion of the cells one-story high. There is, also, some other provision by which the architect claims that they are to do that work under the contract. The architect is the interpreter of his own drawings, and he has a schedule of their's containing a note of the prices of this iron pipe, sewer-pipe, locks, and everything else; that is why he contended so strongly that they must understand it the same way.

Q.—Why was this schedule furnished with these prices in it?

Mr. Clark—Because that was simply to show what the cost of it would be if Miles was required to do it as extra work.

Q.—Did you furnish this schedule?

A.—Miles did, and I wrote it.

Q.—When was it furnished?

A.—Before the contract was entered into. It was furnished in accordance with the notice, within ten days after the bid was received. In the first schedule that I wrote there was no mention of the iron work or plumbing, but Ball asked that it be put in. I told him that it did not belong in the contract, but he insisted on it, so he would know what he would have to pay.

Q.—As compared with other schedules—with the different items—how did Miles' compare as to prices?

A.—All his bids were largely less than any other estimate put in.

Q.—Do you know as a fact of any other schedule being furnished?

A.—No other schedule would be furnished unless the contract was made.

P. J. O'CONNOR, SWORN.

Mr. Cornwell—You have made an estimate with reference to the work done at the Folsom Branch Prison?

Answer—Yes, sir.

Q.—With reference to the work done there, how does that correspond with the amount of money paid for it?

A.—The amount of work done and materials furnished on section number one is ninety-three thousand and fifty-two dollars—that is, the amount actually done and the materials furnished on the ground and delivered there, and includes some four hundred pieces of cut stone on the ground and a lot of pipe that is there. I took the amount of material on the ground from Mr. Odell, who is there in charge of the place on behalf of the State. I showed him my estimate of them, and he certified to its correctness.

Q.—What is the amount of work done on section number two?

A.—Eleven thousand five hundred and ninety-one dollars and ninety-eight cents.

Q.—What do you make the work not done under the contract on the first section of the building?

A.—Eighty-five thousand seven hundred and ninety-eight dollars.

Q.—With reference to the completion, have you made an estimate on that?

A.—I have made an estimate of what it would cost to complete that building entirely in accordance with the original plans. It would cost four hundred and eighty-eight thousand one hundred and forty-six dollars and thirteen cents. That would be the entire cost of the structure.

Q.—This estimate of eighty-nine thousand dollars—is that based on what it actually cost? Is that taken from the former estimates?

A.—It is the same ratio I allow him.

Q.—Are you of opinion that the work can be done for that estimate?

A.—Yes, sir; except in this way. If, for instance, you hold him to produce that dimension stone it will cost him a great deal of money to have that quarried and put in there.

Q.—Then there must be a modification of the details?

A.—Yes, sir, [Reads from report.] There is no use in these heavy porches of granite. Convicts cannot do that class of fine work, but if you substitute the work I recommend here you can have the prisoners do it. It is a class of work prisoners can build.

Q.—Are these estimates made with the expectation of using prison labor?

A.—No, sir; this is based entirely on white labor.

Q.—You estimated as if you were going to contract for that building yourself.

A.—Yes, sir. Of course in any case you would require skilled labor to cut the granite.

Q.—I understand that in addition to this four hundred and eighty-eight thousand dollars it would cost two hundred thousand dollars.

A.—I take off of the four hundred and eighty-eight thousand dollars two hundred and thirty-five thousand dollars; for the two hundred and fifty-three thousand one hundred and forty-six dollars and thirteen cents you can complete that building ready to receive convicts. In this estimate I have calculated altogether on free labor, and paid no attention to convict labor, nor made any allowance for it. For two hundred thousand dollars more than that which is already expended you can complete it.

Q.—And put a wall round the place?

A.—The exterior? No, sir. That, I presume, you would put a fence round.

Q.—The original design contemplates putting a wall round the entire building?

A.—Oh, yes, sir.

Mr. Cornwell—Not around the entire building?

A.—The original design contemplates walling in the whole one hundred and sixty acres. The change, as I understand it, was to get the building arranged to receive one hundred and fifty prisoners as soon as possible.

Q.—Have you made an estimate what it would cost to receive that one hundred and fifty prisoners?

A.—No, sir. I would suggest this: It would cost just merely what it would cost now to complete the structure of one story in the first section. That does not arrange for the completion of the officers

quarters. The first section only contemplates the first story. The second section contemplates the second story.

W. C. CROSSETT, sworn.

Mr. Lambourn—Do you know that land up there—would you consider it fit for garden purposes, and raising vegetables?

Answer—There is from two hundred and fifty to three hundred acres of land that will raise about fifteen to twenty bushels of grain to the acre.

Q.—But how is it for vegetables?

A.—I spoke of grain, because where grain will grow vegetables will grow. There are portions of that rich loam.

Q.—Do you think that vegetables will grow profitably on the same land as grain?

A.—If grain would not grow, vegetables would not certainly, and where grain will grow it will produce vegetables undoubtedly.

Q.—Don't you think there is a peculiar kind of lands that are fit for grain but not for vegetables—for instance, hard soils, do you think they are adapted to vegetables like they are to grain?

A.—I do not think they would be adapted to either.

Mr. Cornwell—Are there any lands there which are adapted to the raising of vegetables?

A.—That is what I mean when I say there are from two hundred and fifty to three hundred acres that will raise any kind of vegetables that may be put in the ground.

Q.—Do you think that could be utilized for growing vegetables?

A.—Undoubtedly that is the case.

Q.—You know that vegetables are raised in the vicinity of Folsom?

A.—I do. I know they have been raised right there on the prison ground by a man named Whitehead, who settled on this land prior to the occupation of the State, raised vegetables there. There is no question in regard to vegetables—it will raise anything you choose.

Q.—How long have you lived there?

A.—Since eighteen hundred and sixty. There is Mr. Nuttall, right adjoining there, and Captain Nye, and other parties living there, and raising as good vegetables as you raise anywhere, as far as quality is concerned—not perhaps for quantity, but for quality as good as any in the State.

Q.—You think it is well adapted for raising potatoes, cabbages, beets, etc.?

A.—They do raise them. Mr. Sheridan told me last week he had put in some ten acres of potatoes this year, and I know, from experience, that potatoes raised there are of very good quality. He is a vegetable peddler, and lives on the opposite side of the river.

Q.—That is similar soil to that at the Branch State Prison?

A.—Yes, sir. You could not tell the difference.

Mr. Blackwell—There is one thing I would like to ask you. That is, the height of that water ditch above the State Prison?

A.—I think it is eighty feet above the railroad track.

Mr. Lambourn—Is this water of the prison—would it overflow this land?

A.—Why, certainly. Any portion and any quantity you want.

EXHIBIT A.

SACRAMENTO, January 25th, 1876.

To the Honorable Committee on Public Buildings :

GENTLEMEN: In accordance with the instructions of your honorable body, I have made a careful examination, estimate, and cost of labor performed, and yet to be executed on present contract of the Branch State Prison buildings, at Folsom, and beg leave to report as follows:

PORTION OF CONTRACT COMPLETED.

Excavations, 16,421 cubic yards, at 50 cents	\$8,210 50
Wall footings, under ground, 75,778 cubic feet, at 23 cents	17,428 00
Base course, and water table, 8,804 feet, at 75 cents	6,603 00
Squared rubble, first and second stories, 22,905 feet, at \$1	22,905 00
Cell-house, squared rubble, 20,270 feet, at 35 cents	7,094 45
Rubble partitions, 1st and 2d stories, 21,615 feet, at 27 cts.	5,836 00
Air duct, 824 lineal feet, at \$1	824 00
Iron in four windows	40 00
Timbers in first story	1,200 00
Arch and jambs	360 00
Total cost	\$70,500 95

PORTION OF CONTRACT UNCOMPLETED.

Cell house floors, walls, and roofs, 59,749 feet, at \$1 75	\$104,560 00
Sewer-pipe for water-closets, 1,600 lineal feet, at \$1	1,600 00
Brick sewer, 70 lineal feet	200 00
Flagging and concrete, 15,000 square feet, at 40 cents	6,000 00
Girders, camber-plate, straining-rods, etc.	850 00
Second-story joisting	1,150 00
Door locks, 168, at \$14	2,352 00
Doors for cells, 168, at \$20	3,360 00
Plumbing, water-pipe, and connections	7,000 00
Total cost	\$127,072 00

This estimate does not include the prepared material on the grounds, which would reduce the above figures seven or eight thousand dollars, probably, approximate estimate.

I am, yours truly,

WILLIAM JOHNSTON.

REPORT OF P. J. O'CONNOR.

To the Honorable the Assembly Committee on Public Buildings and Grounds:

GENTLEMEN: The undersigned would respectfully report to your honorable body that, in accordance with your instructions, I have made a thorough examination of the building now being erected near Folsom, for the purpose of a Branch State Prison, and of the plans and specifications for the same, with a view to determine the value of the work done by M. Miles, contractor for the erection of sections numbers one and two, and of the work uncompleted by him in said sections; and also of the cost of the entire completion of the building, and to suggest such modifications in the plans and specifications for the same as would facilitate the completion of the building at the least possible outlay of money and time. The following is a detailed bill of quantities of the materials required for the completion of each section, and the value of the same. I have also measured the work done by the contractor, and estimated the work not done by him, and set the value of the same. In addition to this, there is a claim for extra work done on the foundations, and the substitution of regular ashlar, in the front building, in place of broken ashlar, as required by the specifications. It is further claimed that neither the plumbing work, nor iron work for the cells, is contained in the contract for the sections numbers one and two; as these items are subject to dispute, and provision for the settlement of such disputes is provided for in the contract, I have included them in my estimate of the work not done by the contractor, and have set a price upon them, in case you should determine that they are a portion of the contract.

In the printed instructions to contractors, attached to the specifications, there is a description of what each section contains, and the lines to be observed on the plans and elevations, designating the extent of said sections, and the very first section of the specifications sets out to give a detailed statement of what the contract includes; which includes nearly the entire completion of the whole structure, with the exception of the cells and the cell building. Now, if this description is admitted as correct, it includes portions of sections three, four, five, and six, and does away with the lines D D and E E on the plans. An examination of the contract on file in the office of the Secretary of State, distinctly sets forth the limits of the sections

one and two, in accordance with the instructions, and the prices of each section are written on the blank space allowed for the same. I have taken this as being final, and have paid no attention to the first section of the specifications. I beg leave to refer you to the instructions attached to the contract, and the specifications, in verification of my position.

SECTION NUMBER ONE.

Contains the following amount of stone work :

Rough rubble, in footings, cubic feet	38,053 at 32 cts.	
Rough rubble, in walls, cubic feet	47,788 at 32 cts.	
Total to the line D D, on plans, cub. ft.	84,841 at 32 cts.	\$27,149 00
Broken ashlar, cubic feet, 42,979, at 45 cents		19,340 00
Regular ashlar, exterior of cells, cubic feet, 227,38, at \$1		22,738 00
Regular ashlar, interior of cells, cubic feet, 31,175, at \$1		31,175 00
Ceiling stones, cubic feet, 5,625, at \$1		5,625 00
Flooring stones, cubic feet, 5,625, at 80 cents		4,500 00
Base course, with beveled-top margin, drafts, and rock-face, thus, one thousand three hundred and thirty-four lineal feet, at \$2		2,668 00
Twenty-two sills, 4 feet 9 inches by 2 feet 10½ inches by 1 foot, at \$6 each		132 00
Twenty-five sills, 7 feet by 1 foot 7½ inches by 9 inches, at \$7 each		175 00
Six hundred and eighty-five quoins, for windows, at \$1 25 each		856 25
Twenty-five windows, with bushed reveals, \$10 each		250 00
Five doors, with bushed reveals, \$10 each		50 00
One hundred and forty-five quoins for doors, at \$1 25 each		181 25
Five door sills, at \$10 each		50 00
One hundred and forty quoins, at \$1 50 each		210 00
Two thousand six hundred and four lineal feet of jambs for cells, cut thus, at 75 cents per foot		1,953 00
Twenty-five thousand superficial feet of concrete, at 15 cents per foot		3,750 00
Twenty thousand superficial feet of flagging, at 20 cents per foot		4,000 00
Twenty-four thousand bricks for sewers		562 00
One thousand seven hundred lineal feet of sewer-pipe		1,020 00
One thousand and forty lineal feet of air duct, at \$1 75 per foot		1,820 00
Fifteen thousand four hundred and twenty-one cubic yards of excavations, at 65 cents per yard		10,023 65

Sum total for stone brick work and excavations \$138,233 15

Carpenters' Work.

Eighty-four squares of joists and bridging, at \$15 per square	\$1,176 00
Girders, posts, iron camber-plates	680 00
Sum total for carpenter work	\$1,856 00

Iron Work.

One hundred and sixty-eight doors for cells, at \$17 50 each	\$2,940 00
One hundred and sixty-eight locks for cells, at \$15 each	2,520 00
Four windows	32 00
Two doors with locks	80 00
Wrought-iron girders, stirrups and plates, 2,500 lbs., at 10 cents	250 00
Sum total for wrought-iron work	\$5,822 00

Plumbing Work.

Water-closets, for cells, \$25 each, set up	\$4,200 00
Soil-pipe and connections with sewers	2,000 00
Sum total for plumbing work	\$6,200 00

The entire value of section one, to D D, on the plans, is, then, as follows:

Stone work and excavations	\$138,233 15
Carpenter work	1,856 00
Wrought-iron work	5,572 00
Plumbing work	6,200 00
Sum total for all work	\$151,861 15

In the above estimate, I have included the iron work, plumbing, concrete, and flagging, and the windows for the first story of the front building. If you take the detailed estimate on file in the office of the Secretary of State as being that upon which the contractor based his estimate, then these several items should not be included.

SECTION TWO TO THE LINE E E.

Rough rubble, 11,732 cubic feet at 34 cents per foot	\$3,988 88
Broken ashlar, 13,423 cubic feet, at 45 cents per foot	6,040 35
One hundred and twelve quoins, at \$1 50 each	168 00
Twenty-seven windows, 8 feet by 3 feet, with reveals, at \$10 each	270 00
Twenty-seven sills, 7 feet by 1 foot 7½ inches by 9 inches, at \$6 each	162 00
Six hundred and seventy-five quoins, at \$1 25 each	843 75
Two doors with sills, at \$22 each	44 00
Sixty quoins, at \$1 25 each	75 00

Sum total of stone work in Section No. 2 \$11,591 98

Carpenters' Work,

Eighty-four squares of joists and bridging, at \$15 per square	\$1,260 00
Window and door frames	300 00
Girders, posts with camber-plates and rods	700 00
Sum total of carpenters' work in section E E	\$2,260 00
Sum total of cost of section E E	\$13,851 98

It is an open question whether the door and window frames are included in this section, as the detailed estimate excludes all other work except what is specially mentioned. If they are excluded, then the estimate is to be reduced three hundred dollars.

SECTION NUMBER THREE, F F.

Rough rubble in front building, 4,275 cubic feet, at 34 cents	\$1,453 00
Rough rubble in tower, 6,118 cubic feet, at 36 cents	3,924 00
Broken ashlar in front building, 15,798 cubic feet, at 45 cents	7,108 10
Broken ashlar in front tower, 6,118 cubic feet, at 50 cents	3,059 00
Two hundred and twenty quoins, at \$1 50 each	330 00
Thirty-four windows, with sills and reveals, at \$18 each	612 00
Eight hundred and twenty quoins, at \$1 25 each	1,025 00
Four hundred and sixty lineal feet of cornice, cut thus, with molded face, sunk gutter, prim hammered, at \$25 per foot	11,501 00
One hundred and seventy-eight molded blocks, cut thus, at \$15 each	2,670 00
Three hundred and fifty lineal feet of frieze paneled, etc., at \$5 per foot	1,750 00
Seventy-six lineal feet of cornice, for tower, at \$25 per foot	1,900 00
Seventy lineal feet of cornice, for tower, at \$10 per foot	700 00
One hundred and forty-six lineal feet of cornice, for tower, at \$8 per foot	1,168 00
Cubic feet of wall, finished both sides, 1,627 feet, at \$2 per foot	3,254 00
Fifty-two lineal feet of gable cornice, at \$50 per foot	2,600 00
Finial of gable	500 00
Sum total of stone work	\$43,655 10

Carpenters' Work.

One hundred and twenty squares of roofing for front building, at \$36 per square	\$4,320 00
Sum total of cost of Section No. 3, F F	\$47,975 00

SECTION NUMBER FOUR.

Carpenters' work, windows, doors, flooring, joists, partitions, furring, base, wainscot, tower, porch, shelving, framing of ceilings, wainscoting, and general finish	\$21,000 00
Plastering	2,600 00
Plumbing and gas fitting	5,500 00
Railings, mantels, pipes, chimneys, iron work	3,000 00
Painting	4,000 00
Sum total of cost of Section No. 4	\$35,000 00

SECTION NUMBER FIVE.

Rough rubble in tunnel, 5,637 cubic feet, at 32 cents	\$1,803 84
Rough rubble in entrance, 672 cubic feet, at 32 cents	215 00
Broken ashlar in tunnel and entrance, 8,000 cubic feet, at 45 cents	3,600 00
Twenty-four lineal feet of molded cornice, thus, at \$15 per foot	370 00
Seventy lineal feet for battlements, thus, at \$10 per foot	700 00
Gateway, with sill, quoins, reveals, etc.	400 00
Windows, with mullions, eight by three feet, with reveals, quoins, etc.	175 00
Windows, with mullions, eight by three feet, with reveals, sills, etc.	110 00
Sixty-two feet of base, cut thus, at \$2 per foot	124 00
Seven sills, at \$15 each	105 00
Fifteen hundred and thirty-six lineal feet of steps, at \$2 per foot	3,072 00
Fifty-three lineal feet of steps, at \$5 per foot	265 00
One hundred and sixty lineal feet coping, thus, at \$2 50 per foot	400 00
Twenty-three lineal feet of cornice, thus, at \$4 per foot	92 00
Four posts, with caps and bases	200 00
Fronts of porch	200 00
Floor of porch	352 00
Groined arch to porch	352 00
Side porch posts	200 00
Twenty-five lineal feet of cornice	100 00
Floors and arches for side porches	100 00
Fronts for arches for side porches	120 00
Check-blocks	60 00
Concrete under floors, twelve squares, at \$15 per square	180 00
Seventy-five thousand bricks for main sewer	1,650 00
Sum total of cost of Section No. 5	\$15,945 84

SECTION NUMBER SIX.

Broken ashlar in exterior wall, 40,950 cubic feet, at 46 cents per foot	\$18,837 00
Regular ashlar in cells, 119,872 cubic feet, at \$1 per foot	119,872 00
Carried forward	\$138,709 00

Brought forward	\$138,709 00
Four thousand eight hundred and seventy-two lineal feet of door jams, cut thus, at \$1 per foot	4,872 00
Twenty windows, with sills, reveals, etc., 13 by 3 feet, at \$24 each	480 00
Eight hundred and fifteen lineal feet of cornice for cell building, cut with a gutter and molded face thus, at \$20 per foot	16,300 00
Two thousand three hundred and eight lineal feet of cornice over cells, thus, at \$5 per foot	11,540 00
Sum total of the cost of the stone work	\$171,901 00

This comprises the entire of the stone work in section number six.

Carpenters' Work.

Roofing, 310 squares, at \$30 per square	\$9,300 00
Ceiling, including plastering, 118 squares, at \$36 per square	4,248 00
Ventilators and skylights	1,000 00
Lead outlets—drain-pipes	250 00

Wrought-Iron Work.

Two thousand five hundred lineal feet of iron railing, weight of iron per foot 37½ pounds, at 9 cents per pound	\$8,568 00
Two flights of stairs to basement, at \$9 per step	468 00
Four flights of stairs to cells, at \$7 per step	476 00
Doors for 336 openings, at \$17 50 each	5,880 00
Three hundred and thirty-six locks, at \$15 each	5,040 00
Eighteen windows, at \$20 each	360 00
Four windows, at \$10 each	40 00
Two doors with locks	100 00

Plumbing.

Three hundred and thirty-six water-closets, at \$15 each	\$5,040 00
Cast-iron pipes from each, \$16 each	5,376 00
Ventilator-pipe of galvanized iron	1,176 00
Painting iron work and roofs	1,200 00
Galvanized-iron ventilators, at \$45	3,825 00

Sum total of cost of Section No. 6 \$224,188 00

RECAPITULATION.

Section No. 1, to the line D D	\$151,186 15
Section No. 2, to the line E E	13,851 98
Section No. 3, to the line F F	47,975 00
Section No. 4	35,000 00
Section No. 5	15,945 00
Section No. 6	224,188 00

Sum total of cost \$488,146 13

In making my estimate on the cost of dimension stone I calculated on the quarry producing enough for the first section. I am doubtful about its producing enough for the entire structure without opening it in a much more extensive manner than at present. This would add twenty-five cents per foot to the stones for the cells as required in section number six, but I have not added the extra price to it.

The contractor agreed to erect section number one for the sum of one hundred and thirty-four thousand three hundred and ninety-five dollars, and section number two for the sum of fourteen thousand nine hundred and ninety-seven dollars. The following is the amount of work done by him on section number one:

Rough rubble in walls—84,841 feet at 32 cents per foot	\$27,149 00
Broken ashlar—42,979 feet at 45 cents per foot	19,340 00
Regular ashlar—\$1	1,200 00
Base course	2,668 00
Nine hundred and seventy quoins	1,247 50
Windows and doors	1,403 25
Fifteen thousand four hundred and twenty-one cubic yards of excavation at 65 cents per yard	10,023 65
Sills	50 00
Sewer	150 00
Air duct—824 lineal feet at \$1 75 per foot	1,030 00
Carpenter's work	1,176 00
Iron for four windows	32 00
Ashlar in cells	917 50

Sum total of the value of the work done on contract \$66,406 55

EXTRA.

The foundations of the cell-walls and those of the cell buildings and front building have been sunk to a greater depth than required by the contract, and the amount of such extra rubble work is as follows:

For the cells—38,278 cubic feet at 32 cents per foot	\$12,248 96
Front building—3,850 cubic feet at 32 cents per foot	1,232 00
Excavating under both buildings to receive said walls	2,572 00
Arch and excavation	500 00

There is now on the ground the following materials:

One thousand four hundred feet of earthen pipe; this is set down at sixty cents in the estimate, presuming it would be cement pipe, but iron-stone pipe is used. The specifications being somewhat elastic upon that proposition I took the cheapest article; the present value is at least \$1 per lineal foot	1,400 00
One hundred and sixty-eight pieces of cast-iron pipe	
Six hundred and fifty barrels of cement, at \$2 per bbl.	1,300 00

Carried forward \$19,252 96

Brought forward.....	\$19,252 96
Two hundred lineal feet of galvanized iron water-pipe at 50 cents per foot.....	100 00
Four hundred pieces of cut granite, in various shapes, at \$9 50 each.....	3,800 00
Lime houses, worth about.....	250 00
One hundred and seventy-five barrels of cement.....	787 50
One hundred and sixty-eight locks, at \$4 50 each.....	2,436 00
Sum total of extra work and materials on the ground.....	\$26,626 46

Work not done on section number one.

Cell, walls, and floors.....	\$62,913 00
Concrete and flagging.....	7,750 00
Sewer.....	412 00
Setting sewer-pipes.....	100 00
Two thousand six hundred and four lineal feet of jambs for cells.....	1,953 00
Iron work.....	5,790 00
Plumbing work.....	6,200 00
Carpenter work.....	680 00

Sum total of work not done on Section No. 1..... \$85,798 00

In my estimate of the materials on the ground, I have consulted Mr. Odell, now in charge of the structure and grounds, and he certifies to its correctness.

Sum total of the work done and materials on the ground
Section No. 1, to the line D D..... \$93,003 01

SECTION NUMBER TWO.

Rough rubble, 11,732 cubic feet, at 34 cents.....	\$3,988 88
Broken ashlar, 1,343 cubic feet, at 45 cents.....	6,040 35
Quoins.....	1,086 75
Windows and doors.....	476 00

Sum total of work done on Section No. 2..... \$11,591 98

Work not done on section number two.

Joists and bridging.....	\$1,260 00
Girders, posts, etc.....	1,960 00

Sum total of work not done on Section No. 2..... \$3,220 00

Work done and material furnished for sections numbers one and two, as per foregoing bill of quantities..... \$104,624 99
Work not done on said sections..... 89,018 00

The foregoing is as close a calculation as I can make of the work done and of the work when done. The style of ornamentation adopted is in the last degree extravagant in design, and virtually

impracticable of execution. Molded granite is seldom used, even in Government work. The following is the cost of the cornices, and other work of ornament:

Cornice on front buildings.....	\$ 19,300 00
Cornice on cell building.....	28,000 00
Cornice on tower entrance, porches, and capping.....	21,000 00
Useless concrete and flagging.....	5,500 00
Dimension stone for cells.....	185,000 00
Total.....	\$258,800 00

I would suggest the following changes in the character of the work:

Cornices to cost not over.....	\$ 2,000 00
Entrance, tower, porches, dispensed.....	
Dimension stone to coursed rubble.....	59,000 00
Total.....	\$61,000 00

This would effect a saving of one hundred and ninety-seven thousand eight hundred dollars. The following savings can be made in the carpenters' work, tin work, galvanized iron work, painting, iron work, not less than forty thousand dollars, which can be saved the State without in the least degree affecting the stability of the structure or its adaptability for the purpose intended:

Cost of building as per present plans.....	\$488,146 13
Cost of building as per modified plans.....	256,346 00

Thus a saving of two hundred and thirty-one thousand eight hundred dollars is effected without using convict labor. How much would be saved by the use of such labor I am not prepared to state, as it will take some time to accustom them to the use of tools. The modifications suggested are best adapted for unskilled labor under any circumstances, and the quarry, as at present opened, can be immediately utilized. Whereas, if the original plans are adhered to the most skilled labor will be required, and the quarries must be opened in a different manner. The time required to complete the work, according to my suggestions, will not exceed eighteen months. The sum of two hundred and fifty-six thousand three hundred and forty-six dollars includes what has been already spent on the work—or, in other words, it will cost about one hundred and sixty thousand dollars to entirely complete the building for five hundred convicts, one person to a cell.

Respectfully submitted,
P. J. O'CONNOR, Architect.

REPORT

OF THE

SENATE COMMITTEE ON ELECTIONS,

IN THE CASE OF

WARD VS. MONTGOMERY.

REPORT.

MR. PRESIDENT: Your Committee on Elections have had under consideration the contest instituted and prosecuted by R. H. Ward, for the seat in this body occupied by the Hon. J. M. Montgomery, as a Senator from the Fifth Senatorial District.

The contestant, in his statement filed in the office of the County Clerk of Stanislaus County (Exhibit A, reported herewith), alleged the following grounds of contest:

I. Malconduct or mistake on the part of the Boards of Election Officers in the several precincts of Stanislaus County, whereby one hundred ballots, cast for him, were counted for the respondent, which gave the respondent an apparent majority of fifty-five votes.

II. Irregularity and informality in making up and transmitting the returns from the different precincts to the County Clerk.

No testimony was taken by either party before the reference of the case to your committee, it having been stipulated that the whole matter of the contest should be referred to the Senate without the taking of any testimony, although two Justices of the Peace were commissioned by the County Clerk of Stanislaus County for that purpose.

The contestant appeared before your committee with counsel, and demanded a recount of the ballots of Stanislaus County, and your committee caused the production of the ballots and recounted them.

Upon such recount the following result was shown: Montgomery, five hundred and forty-two votes; Ward, seven hundred and thirty-two votes; this giving contestant a majority in said county of one hundred and ninety votes, which, taken in connection with the returns from the other counties of said district—Mariposa and Merced—elected him by one majority, the respondent's majority in those counties being one hundred and eighty-nine.

The original returns from the election officers of the several precincts of Stanislaus County, as filed in the Clerk's office, showed that Montgomery received five hundred and seventy votes, and Ward seven hundred and four votes, leaving a majority for Ward in that county of one hundred and thirty-four votes.

The difference between the figures shown by the returns and those resulting from our recount, was fifty-six votes in favor of contestant.

In Turlock Precinct, the aggregate vote for Senator was ninety-nine, of which, according to the returns, Montgomery had forty-four, and Ward fifty-five. The recount showed: Ward, sixty-five; Mont-

gomery, twenty-four—a discrepancy of ten votes. In Empire Precinct, the aggregate vote was fifty-four. The returns showed: Montgomery, thirty-six; Ward, eighteen. Upon the recount, Montgomery had twenty-six, Ward twenty-eight, showing a discrepancy of ten votes. In Tuolumne City Precinct, the aggregate vote was forty-six. The returns showed: Montgomery, twelve; and Ward, thirty-three. The recount showed: Montgomery, two; and Ward, forty-four—being a discrepancy in favor of Ward of eleven votes. Total difference in these three precincts, sixty-one votes. In the other precincts, the recount disclosed a difference of six votes.

After the recount was had the respondent presented his affidavit (Exhibit B, herewith reported), alleging that the ballots recounted by your committee had been fraudulently manipulated and changed since they left the hands of the election officers of the several precincts of Turlock, Tuolumne City, and Empire, and asked leave to introduce proof of this fact; and this was granted by your committee. Thereupon respondent produced one witness, C. Nelson, who swore that he voted for Montgomery at Tuolumne City Precinct. Respondent here offered to produce twelve other voters from said precinct who would swear that they voted the same way. These twelve voters were in attendance on the committee, but were not sworn, because of a stipulation on the part of contestant, admitting their several ex-parte affidavits in proof as to manner of their voting, and thereupon, by consent of parties, the affidavits of said twelve voters were admitted in evidence. (Exhibits C and C^A.)

Your committee having adjourned from the twenty-second of December until the fourth instant, on meeting again a communication was received from the contestant, withdrawing his contest. This communication accompanies this report. (Exhibit D.)

At this stage of the proceedings the respondent produced a witness, James R. Aull, who was sworn, and testified in the case.

The testimony of the witness established, to the satisfaction of your committee, the allegation of fraud set up in the affidavit of the respondent, and that subsequently to the ballots coming to the hands of the County Clerk of Stanislaus County they were abstracted from the Court-house by one Miner Walden, and a number of the ballots from the four precincts of Turlock, Westport, Empire, and Tuolumne City fraudulently altered, by erasing of Montgomery and writing the name of Ward instead, this bringing about the change shown by the recount from the result as exhibited by the returns.

Here, under stipulation by contestant, respondent put in evidence affidavits of several officers of election in the precincts of Turlock, Empire, and Tuolumne City, and also of other persons, bystanders, tending to show the integrity and accuracy of the respective counts by those officers of the ballots in said precincts, as shown by their returns. These affidavits are herewith reported. (Exhibit E.)

Your committee is entirely satisfied that L. C. Branch, the County Clerk of Stanislaus County, was entirely innocent of all complicity in and knowledge of the facts disclosed to the committee and herewith reported.

Your committee find, from the evidence:

I. That the claim of R. H. Ward to the seat in this body occupied by the Hon. J. M. Montgomery, as a Senator from the Fifth Senatorial District, is groundless.

II. That the Hon. J. M. Montgomery is the duly elected Senator from said district, for the term of four years from the first Monday of December, eighteen hundred and seventy-five.

Your committee therefore report herewith a resolution declaring said Montgomery so elected, and recommend its adoption by the Senate.

Your committee would further recommend that the evidence in this case herewith submitted, together with the ballots and returns in possession of the committee, be by the Senate referred to the Attorney-General of this State, for such proceedings in the matter as he may deem advisable.

Respectfully submitted.

W. J. GRAVES, Chairman.
R. MCGARVEY,
WM. M. PIERSON,
S. G. HILBORN,
Committee.

EXHIBIT A.

In the matter of the contest of the election of John M. Montgomery, as State Senator in and for the Fifth Senatorial District of the State of California, composed of the Counties of Stanislaus, Merced, and Mariposa.

To L. C. BRANCH, County Clerk, and ex officio Clerk of the District Court of the Fifth Judicial District of the State of California, in and for the County of Stanislaus, and JOHN M. MONTGOMERY.

R. H. WARD, being first duly sworn, deposes and says:

That he is a citizen of the United States and of the State of California, over thirty years of age, and is now, and for more than one year last past has been, a qualified voter of the County of Merced, in the said Fifth Senatorial District. That upon the first day of September, A. D. eighteen hundred and seventy-five, at a general election then and there held in accordance with law, one John M. Montgomery and R. H. Ward, this affiant, were voted for in the Counties of Stanislaus, Merced, and Mariposa, for the office of State Senator for the Fifth Senatorial District of the State of California, composed of the said counties. That the affiant and contestant received the largest number of legal votes cast in said district for said office of State Senator, and a larger number of legal votes than said Montgomery. That thereafter, and within twenty days next preceding the filing of this statement, a certificate of election, as such State Senator from said district, was issued by the County Clerk of Mariposa County to said Montgomery, and such certificate is now held by said Montgomery. That this contestant then was and still is duly eligible to said office; and this affiant, contesting the claims of said Montgomery to said office, assigns as the grounds of contest upon which he intends to rely:

First—Malconduct or mistake on the part of the Board of Election of the several precincts in the said County of Stanislaus, in this, to

wit: That in each and all of said election precincts in said County of Stanislaus, as contestant is informed and believes, and so charges the fact to be, ballots were actually cast and given to this contestant, for said office of State Senator for said Fifth Senatorial District, amounting in the aggregate to one hundred (100), which were not counted for him, the contestant, but were wrongfully and illegally, by said Boards, counted and declared for said Montgomery, and which said number of votes, if taken from him, the said Montgomery, will reduce the number of legal votes of said Montgomery in said district, for said office, below the number of legal votes given to this contestant for said office in said district.

Second—That the Boards of Election of the Precincts of Buena Vista and Westport, in said Stanislaus County, failed to return the votes cast at said precincts at said election, as the law directs; and that at each of said precincts there were counted, by the Board of Canvassers of said county, a majority of votes for the said Montgomery, to wit: at the precinct of Buena Vista fourteen majority, and at the precinct of Westport eight majority, making in the aggregate twenty-two (22) majority for the said Montgomery; which said twenty-two votes, and all of said votes so returned from said precincts, should have been thrown out and excluded from the count made by the said Board of Canvassers.

R. H. WARD, Contestant.

STATE OF CALIFORNIA, }
County of Merced, } ss.

R. H. Ward, being duly sworn, says that he is the person who signed the above statement; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters which are therein stated upon his information and belief, and as to those matters he believes it to be true.

R. H. WARD.

Subscribed and sworn to before me, this 21st day of September, A. D. 1875.

JAS. E. HICKS,
County Clerk Merced County.

EXHIBIT B.

TO THE HONORABLE SENATE OF THE STATE OF CALIFORNIA:

In the matter of the contested election for Senator of the Fifth Senatorial District, wherein R. H. Ward is the contestant, and J. M. Montgomery is respondent, now before the Committee of Elections of the Senate of California.

J. M. MONTGOMERY, being duly sworn, deposes and says:

That at the general election held throughout the State of California, on the first day of September, eighteen hundred and seventy

five, that he was duly and regularly elected Senator of the Fifth Senatorial District, composed of the Counties of Stanislaus, Merced, and Mariposa, and received his certificate of election, and at the commencement of the session of the present Legislature he took the oath of office and entered upon the duties thereof.

That at the said election this deponent and R. H. Ward, Esq., were the only candidates for the said office of Senator, and were the only persons voted for by the qualified voters of the said district.

That at the said election a larger number of legal votes were cast for this deponent than for the said R. H. Ward, and upon a canvass thereof, duly had by the proper officers, such fact was determined, and a certificate of election was duly issued by the proper officers to this deponent.

That shortly after the said election, and within the time required by law, the said R. H. Ward served and filed with the proper officer notice and alleged statement, proposing to contest the election of this deponent to the office of State Senator aforesaid, which statement and notice was transmitted to the Secretary of State, and was by him laid before the Senate for their action. In said alleged statement the said R. H. Ward charged certain misconduct and malconduct in the matter of said election in the County of Stanislaus only, and claimed that in said county votes equaling one hundred were cast for the said R. H. Ward which were wrongfully counted for this deponent, and that by said error, malconduct, and mistake the said return did not state correctly the true state of the election, but that if said votes were counted for the said R. H. Ward, that they would show a majority in said district for him, instead of for this deponent.

No testimony was taken before any magistrates, but this contest was referred to the Senate without taking any testimony at all.

Upon appearing before the committee appointed by the Senate, this deponent, through his attorney, filed a motion to quash the statement, and to dismiss the contest, and supposed in good faith that said motion would prevail. But the committee, in examining the matter, came to a different conclusion, and against the protest of this deponent proceeded to recount the votes of Stanislaus County.

From which recount it did appear that some slight error had been made in favor of this deponent, by the Board of Canvassers of said county, if the ballots as counted by the committee were really and in fact those cast at the election.

But aside from all the uncertainty ordinarily accompanying a recount of ballots months after the election at which they were cast, deponent avers that said recount showed a strange, and, to this deponent, an unsatisfactory state of facts.

Amongst other things, the vote of Turlock Precinct, which came before the committee in an open and broken package, and which in deponent's opinion should not have been recounted, showed an actual change of some twenty votes.

The vote of Tuolumne City Precinct, which, as returned, showed a vote of twelve votes for this deponent, on a recount showed only two votes; while, to sustain the return of the officers of the election, there was not only the vote carried out, and written in figures and also in full, but the tally list showed that twelve votes had actually been called and counted for this deponent.

A like state of facts also obtained with Empire Precinct, showing a marked and material change.

Deponent is informed and believes that in Tuolumne City Precinct that he can produce the persons who voted more than two votes for him at said election for State Senator.

Deponent is informed and believes that if the said votes are to stand, so recounted, as the correct vote, that it would give R. H. Ward, contestant, a majority of one vote in the whole district, if the returns of Mariposa and Merced are to stand as returned by their respective Boards of Canvassers; but that he believes, for the reasons aforesaid, that the votes of Stanislaus should not be recounted.

Deponent is informed and believes, and so charges the fact to be, on such information and belief, that the respective officers of election in each of the above-named precincts will validate their returns as correct, and will invalidate the result as shown by the said recount. Should this committee disagree with this deponent in the views herein expressed, this deponent avers on information and belief, which information he believes to be true, that at the said election a large number of votes, many more than sufficient to change said result, but the actual number thereof he is unable to state, at said election were actually cast for this deponent, and by mistake in the said several Boards of Election, in the Counties of Merced and Mariposa, were wrongfully counted for the said R. H. Ward.

Deponent avers that a recount of the vote of Merced and Mariposa Counties can only determine this contest, if the said recount as made by this committee is permitted to stand as the vote of Stanislaus County. Deponent respectfully asks the committee, if the said recount of the County of Stanislaus is by them permitted to stand, to permit this deponent:

First—To offer testimony tending to validate the return, as made by the officers of Stanislaus County, of the vote of that county.

Second—To procure and have recounted the votes of Merced and Mariposa, in order to determine the actual state of the vote of said district.

And deponent avers that if said request be granted it will clearly appear that he hath a majority of the legal votes of the said district.

STATE OF CALIFORNIA,
County of Sacramento. }

J. M. Montgomery, being first duly sworn, on oath deposes and says that he is the deponent named in the foregoing affidavit; that he has heard the same read and knows the contents thereof; that it is true of his own knowledge, except as to matters herein stated on information and belief—as to those matters he believes it to be true.

J. M. MONTGOMERY.

Subscribed and sworn to before me, this 18th day of December, 1875
[SEAL.] W. R. CANTWELL, Notary Public,
Sacramento County, Cal.

EXHIBITS C AND C^A.

STATE OF CALIFORNIA,
County of Stanislaus. }

JOHN TURNER, being duly sworn, says:

He is a citizen of the United States, and has for more than five years last past resided in Empire Precinct, in said county. That Thomas Turner is the son of this affiant, of the age of thirty years, and a citizen of the United States, and resided in said Empire Precinct for over four years next preceding the month of October, A. D. eighteen hundred and seventy-five, and a qualified elector of said precinct. That at the general election held in said Empire Precinct on the first day of September, eighteen hundred and seventy-five, the said Thomas Turner, at the polling place in said precinct, delivered to the officers in charge of the ballot-box a ballot, in proper form, with the name of J. M. Montgomery and no other name thereon for State Senator, and saw said officers deposit his ballot in said ballot-box; and that said Thomas Turner, in the manner aforesaid, voted for said J. M. Montgomery for State Senator.

And affiant further says that he knows E. L. Cloer, who was on the first day of September, eighteen hundred and seventy-five, and for more than thirty days prior thereto, was a citizen of the United States and of the State of California, and in every way qualified to vote at the general election held in and for said Empire Precinct, on September first, eighteen hundred and seventy-five, and that said Cloer did vote at said election in said precinct. That said Cloer informed him before said election that he should vote for said J. M. Montgomery for State Senator, and after the election stated to affiant that he so voted. That said Cloer was enthusiastic on the subject of voting for said Montgomery for Senator as aforesaid, and affiant is perfectly satisfied that he did so vote at said election.

That said Thos. Turner and E. L. Cloer are now absent from this county, and therefore affiant makes this affidavit.

JOHN TURNER.

Subscribed and sworn to before me, December 20th, 1875.
GEO. W. SCHELL, County Judge.

STATE OF CALIFORNIA,
County of Stanislaus. }

The undersigned, being severally duly sworn, each for himself deposes and says:

That he is a citizen of the United States and of the State of California, and a resident and duly qualified elector of Empire Precinct, in said County of Stanislaus. That he has resided in the State of California for more than one year and in the said Empire Precinct for more than thirty days next preceding the general election held in said County of Stanislaus on the first day of September, A. D. eighteen hundred and seventy-five, and that at and before said elec-

tion he was, now is, and ever since has been duly registered upon the Great Register of said county, and in every way qualified and entitled to vote. That at the general election held in said Empire Precinct, in said county, on said first day of September, A. D. eighteen hundred and seventy-five, R. H. Ward and J. M. Montgomery were respectively being voted for, by the electors of said precinct, for the office of State Senator of the Fifth Senatorial District of the State of California, composed of the Counties of Merced, Mariposa, and Stanislaus, and that at the said election this affiant delivered to the officers in charge of the ballot-box, at the polling place in said precinct, a ballot in form as prescribed by law, with the name of J. M. Montgomery and no other unerased thereon for State Senator, and saw said officers deposit his said ballot in said ballot-box; and that affiant thus in the manner aforesaid voted for J. M. Montgomery for State Senator, at said time and place.

Subscribed and sworn to before me, }
December 20th, A. D. 1875. } JAMES THOMPSON.

GEO. W. SCHELL, County Judge.
Subscribed and sworn to before me, }
December 20th, 1875. } S. B. CORNWALL.

GEO. W. SCHELL, County Judge.
Subscribed and sworn to before me, }
December 20th, A. D. 1875. } GARRETT FRAMNEL.

GEO. W. SCHELL, County Judge.
Subscribed and sworn to before me, }
December 20th, 1875. } W. H. MAY.
GEO. W. SCHELL, County Judge.

STATE OF CALIFORNIA, }
County of Stanislaus. } ss.

The undersigned, being severally first duly sworn, each for himself deposes and says:

That he is a citizen of the United States and of the State of California, and a resident and duly qualified elector of Empire Precinct, in the said County of Stanislaus. That he has resided in the State of California for more than one year and in the said Empire Precinct for more than thirty days next preceding the general election held in said county on the first day of September, A. D. eighteen hundred and seventy-five, and that at and before said election he was, and now is, and ever since has been duly registered upon the Great Register of said county, and in every way qualified and entitled to vote. That at the general election held in said Empire Precinct, in said county, on said first day of September, A. D. eighteen hundred and seventy-five, R. H. Ward and J. M. Montgomery were respectively being voted for, by the electors of said precinct, for the office of State Senator of the Fifth Senatorial District of the State of California, composed of the Counties of Merced, Mariposa, and Stanislaus, and that at said election this affiant delivered to the officers in charge of the ballot-box, at the polling place in said precinct, a ballot in form as prescribed by law, with the name of J. M. Montgomery and no other unerased thereon for State Senator, and saw said officers deposit his said ballot in said ballot-box; and that

affiant thus in the manner aforesaid voted for said J. M. Montgomery for State Senator, at said time and place.

Subscribed and sworn to before me, }
this 19th day of December, 1875. } JAMES DAVISON.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, 1875. } B. S. TURPIN.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th December, A. D. 1875. } J. P. BAILEY.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } S. B. BAILEY.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, 1875. } OLIVER P. KIMBERLY.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, 1875. } F. M. ELLIOTT.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, 1875. } G. M. DUEL.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } GEO. W. HOPPER.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } J. F. RINEHART.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } JOHN TURNER.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } NELSON LOVE.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } HENRY VOIGHT.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } J. R. DAGGETT.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } J. B. GEORGE.

JAMES BURNEY, Notary Public.
Subscribed and sworn to before me, }
this 19th day of December, A. D. 1875. } E. H. WOOTTEN.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 19th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 20th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 20th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 20th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 20th day of December, A. D. 1875.

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this 20th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 20th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

Subscribed and sworn to before me,
this 20th day of December, A. D. 1875.

JAMES BURNEY, Notary Public.

STATE OF CALIFORNIA,
County of Stanislaus. } ss.

I, James Burney, a Notary Public, residing in said Stanislaus County, duly commissioned and qualified, do hereby certify that I have carefully read and caused to be read the foregoing and annexed affidavit to each of the persons subscribing the same, viz: James Davison, B. S. Turpin, J. P. Bailey, S. B. Bailey, Oliver P. Kimberly, F. M. Elliott, G. M. Duel, Geo. W. Hopper, J. F. Rinehart, John Turner, Nelson Love, Henry Voight, J. R. Daggett, J. B. George, Jacob S. Wootten, E. H. Wootten, R. K. Whitmore, T. E. Tynan, John T. Martin, R. C. Gilbert, S. A. Hawkins, R. Whitmore, J. W. Stetson, J. S. Phillips, and John Service; that they severally swore and subscribed the same; and I further certify that I personally know them to be good, reputable, and substantial citizens and qualified voters of said Empire City Precinct, whose statements are entitled to full credence and belief.

[SEAL.]

JAMES BURNEY, Notary Public.

JACOB S. WOOTTEN.

R. K. WHITMORE.
T. E. TYNAN.

JOHN T. MARTIN.
R. C. GILBERT.

S. A. HAWKINS.

RICH. WHITMORE.

J. W. STETSON.

J. S. PHILLIPS.

JOHN SERVICE.

EXHIBIT D.

To the Honorable the Senate Committee on Elections of the State of California.

GENTLEMEN: I was a candidate at the late election for the office of State Senator for the Fifth Senatorial District, composed of the Counties of Stanislaus, Mariposa, and Merced. After the result of the election was declared, I received information which I deemed reliable, that by mistake on the part of the officers of election at several of the precincts of the County of Stanislaus, ballots which had been cast for me had been counted for my opponent; that tickets on which the name of Montgomery was printed, and my name written with pencil, had been counted for Montgomery, and that a recount of the ballots of that county would show that I had received a sufficient number of legal votes to give me a majority of the votes of the district. I had no reason to believe that there had been any tampering with the returns, and was satisfied, from the character of the County Clerk of Stanislaus County, that while in his custody, nothing of the kind could have been done.

Under these circumstances, I deemed it a duty I owed to the party which nominated me, to contest the election of Mr. Montgomery, and have an examination of the ballots cast in Stanislaus County, to ascertain whether the information given me was correct. A recount was had, which changed the result, as declared by the Board of Canvassers. But since the recount was made, facts have been made known to me by the affidavits of a number of respectable citizens of Stanislaus County, which cast grave suspicions upon the integrity of the ballots. My only object in making the contest was to ascertain the will of the majority of the legal voters of the district; and as I have no desire to occupy a position to which I was not fairly elected, and as my title to the position, should the Senate decide the contest in my favor, would not be free from doubt in my own mind, and in the minds of others, I therefore, most respectfully, withdraw from the contest, and ask the committee to take such steps in the premises as to them may seem just.

I am, gentlemen, very respectfully, etc.,

R. H. WARD.

MERCED, January 1st, 1876.

EXHIBIT E.

STATE OF CALIFORNIA,
County of Stanislaus. } ss.

JOHN J. TOWNE, being first duly sworn, deposes and says:

That he is a citizen of the United States, and that for more than four years last past he has been, and yet is, a resident and duly qualified elector of Tuolumne City Precinct, as it on September first was, in the County of Stanislaus, in this State. That previous to the last general election he was appointed by the Board of Supervisors of said county, and at said election served as Inspector of Election at said Tuolumne

City Precinct. That at the general election held in said precinct on the first day of September, A. D. eighteen hundred and seventy-five, R. H. Ward, Esq., and J. M. Montgomery were being voted for by the electors of said precinct for the office of State Senator for the Fifth Senatorial District of this State, composed of the Counties of Mariposa, Merced, and Stanislaus. That this affiant, during and preceding said election, was a friend of Mr. R. H. Ward politically, and personally advocated his election, and at said election voted for him; and that the result of said election was fully and fairly canvassed, especially as regards Mr. Ward; the entire Board of Election, viz: Miner Walden and W. H. Erwin, Judges, and this affiant, being friends and advocates of the election of Mr. Ward; that after the close of the polls on the day of the said election at said precinct, this affiant, as Inspector, called off each and every name appearing on each ballot, as by law required, as said ballots came from said ballot-box, and thereupon, as each ballot was counted, handed the same to Miner Walden, who strung them upon a string. During the count of the same each of the two clerks, one of whom was also a friend of Mr. Ward's, kept tally as each name was called; and that the result of said election at said precinct, as concerns the office of State Senator, ascertained as aforesaid, was, that the said Russ Ward received thirty-three votes, and the said J. M. Montgomery received twelve votes. And affiant further says, that in the reading out of said ballots, he in no instance read or called out the name of J. M. Montgomery, unless his name appeared clearly on the ballot he was then calling off. And affiant further says, that at the canvassing of said ballots there appeared one ballot, and no more, on which was the printed name of the candidate erased, with his opponent's name written opposite; but as to what candidate, this affiant is not now certain of. And affiant says that he is almost morally certain that the written name on said ballot was the one that was counted, and of that he has hardly any doubt in the matter. And further affiant saith not.

JOHN J. TOWNE.

Sworn to and subscribed before me, this 30th day of December, A. D. 1875.

GEORGE W. SCHELL, County Judge.

STATE OF CALIFORNIA, } ss.
County of Stanislaus.

T. E. TYNAN, ISAAC RIPPERDAN, and WM. F. HUDELSON, being first duly sworn, each for himself deposes and says:

That he is a qualified elector of Empire Precinct, in said county of Stanislaus. That at the general election held in said Empire Precinct, on the first day of September, A. D. eighteen hundred and seventy-five, the said T. E. Tynan was the Inspector and the said Isaac Ripperdan and Wm. F. Hudelson the Judges of Election, duly appointed by the Board of Supervisors of said county as such. That at said election, having been first duly qualified, by taking the oath prescribed by law, which is indorsed upon and was subscribed by them severally on the poll list, or list of voters, they severally acted in the aforesaid capacity. That the polls at said precinct were

duly opened by them on the morning of said day, at the time and place prescribed, and said election was conducted by them in every respect as required by law. That on the evening of said day, at sundown, the polls were closed by them by proclamation, and that immediately thereafter, without adjournment, in the same room where said election had been held, they proceeded to canvass the contents of the said ballot-box, by first counting the ballots therein contained without opening them; and finding them to agree in number with the number of electors who had voted that day at said precinct, they commenced to count, the said W. F. Hudelson taking each ballot separately from said box, unfolding it, and after examining its contents handing the same to said T. E. Tynan, who thereupon carefully and in a loud and distinct tone of voice called off each name appearing upon such ballot, together with the name of the office opposite such names, Saml. Bailey and Wm. Brackett, who had been duly appointed as Clerks of said election, each keeping tally of each name as called, and after the entire names appearing upon each ballot were called off as aforesaid said T. E. Tynan would hand each ballot to the said Isaac Ripperdan, who immediately strung the same upon a string, and in the manner aforesaid the canvass was continued until each and every ballot contained in said box was counted; except that during a portion of the time said T. E. Tynan took the ballots from the box, unfolded and examined them, and said W. F. Hudelson called off the names. That at said election R. H. Ward and J. M. Montgomery were being voted for by the qualified electors of said precinct for the office of State Senator of the Fifth Senatorial District of this State, and that, as the result of said election at said precinct for the office of State Senator, said J. M. Montgomery received thirty-six votes and said R. H. Ward received eighteen votes; and that affiants each for himself say that if the ballots cast or purporting to have been cast at said precinct, at said election, show a different result than that above stated, that then said ballots have been fraudulently and illegally altered and changed by some person or persons to these affiants unknown, or others substituted therefor, since their official canvass as above stated. And said affiants further say that immediately after the completion of their canvass as aforesaid the returns of said election were made up, the packages sealed and given to said W. F. Hudelson, who had been selected by the Board of Election to convey said returns to the County Clerk of said county; and said W. F. Hudelson says that he kept said returns in his possession until the next day, when he delivered said packages containing said returns, unopened and unaltered, to said L. C. Branch, Esq., the County Clerk of said county; and said affiant further says that if any alteration appears in the ballots of said precinct, different from that hereinbefore stated, which statement is correct, that then such alteration has been made subsequent to the delivery of said ballots and returns by this affiant to the County Clerk as aforesaid.

T. E. TYNAN,
ISAAC RIPPERDAN,
W. F. HUDELSON.

Subscribed and sworn to before me, this 31st day of December, A. D. 1875.

[SEAL.]

JAMES BURNEY, Notary Public.

STATE OF CALIFORNIA.
County of Stanislaus. }

ISAAC WARD, JOHN WARNER, and EDWARD McCABE, being first duly sworn, depose and say:

That the said Isaac Ward was Inspector, the said John Warner and Edward McCabe Judges of Election, at Turlock Precinct, in the County of Stanislaus, at the general election held at said precinct, on the first day of September, A. D. eighteen hundred and seventy-five. That said election was conducted by them in every respect as required by law. That before the opening of the polls they were each duly sworn, as required by law, as will appear by the poll list of said precinct, which is annexed hereto, and hereby made a part of this affidavit. That the polls at said precinct were closed at sundown on said day, by proclamation, and that immediately thereafter they commenced to canvass said vote, by first counting the ballots without opening them, and finding them to correspond with the poll list replaced them carefully in the ballot-box, and thereafter took them out one by one and carefully canvassed the contents of each ballot, being assisted by R. R. Lander and M. C. Monroe, who acted as Clerks of said election and kept tally upon the tally lists for them, one of which is hereunto annexed and made part of this affidavit, and gives the full, true, and correct result of the canvass of said votes, as they were taken out of said ballot-box at said time and place. That at said canvass the said John Warner carefully took said ballots one by one from said ballot-box, unfolded each ballot, and having noticed its contents handed the same to the said I. Ward, and that thereupon the said Isaac Ward carefully read and in a loud and distinct voice called off each uncanceled or uneraser name upon such ballot, together with the office opposite such name thereon, the said Clerks at the time keeping tally. That upon the entire uncanceled portion of the said ballots being called off by him as aforesaid he handed each ballot immediately to Edward McCabe, and the said Edward McCabe did thereupon immediately string each of said ballots upon a string—at the same time looked at its contents to ascertain whether any errors were committed; and that this process was continued in the manner aforesaid until the entire contents of said ballot-box were counted. That at said election, so held at said precinct as aforesaid, R. H. Ward and J. M. Montgomery were voted for by the electors of said precinct for the office of State Senator for the Fifth Senatorial District of the State of California, composed of the Counties of Mariposa, Merced, and Stanislaus; and that the result of said election at said precinct, as to the office of State Senator, as ascertained by the canvass of the entire ballots cast thereat, made in the manner required by law as aforesaid, the said R. H. Ward received fifty-five votes, and no more—that is to say, fifty-five of the electors there and then voting at said precinct voted for R. H. Ward—and the said J. M. Montgomery received forty-four votes—that is to say, forty-four of the electors voting at said precinct voted for said J. M. Montgomery—for the said office of State Senator respectively. And that after the completion of the canvass, and the returns of said election had been made up, the same were by said Board of Election delivered to the said Isaac Ward, who had been selected to carry them to the county seat of said county; and the said Isaac Ward, being further sworn, says that after the returns of said elec-

tion were delivered to him, as aforesaid, he safely kept them at his house until the next day, when he went to Modesto, and in person delivered them to L. C. Branch, Esq., County Clerk of said county, in the same condition in which they were received by him; and affiant further says, that if the ballots cast at said precinct now show a different state of facts from that hereinabove recited, that then such ballots were fraudulently altered after the same were delivered to the County Clerk as aforesaid.

ISAAC WARD,
J. WARNER,
E. McCABE.

Subscribed and sworn to before me, by each of said affiants, this the 30th day of December, A. D. 1875.

J. F. WARD, Notary Public,
County of Stanislaus.

STATE OF CALIFORNIA,
County of Stanislaus. } ss.

E. D. GIDDINGS, W. R. JEFFERSON and A. S. FULKERTH, being first duly sworn, depose and say, each for himself, and not one for the other:

That he is a qualified elector of Turlock Precinct, in said county, and voted therein at the general election held September first, A. D. eighteen hundred and seventy-five, and was present at the polls from the time they were closed at sundown on said day until the entire vote was counted. That he watched said count, especially with reference to the result of said election as between R. H. Ward and J. M. Montgomery, who were rival candidates for the office of State Senator. That he has read the annexed affidavit of the officers of election of said precinct, and knows the contents thereof, and that the facts herein stated as to the canvass of the votes and the result of said election are true and correct. And said E. D. Giddings, one of said affiants, says that during the canvass preceding said election he was a friend and advocate of the election of said R. H. Ward, and therefore took especial interest in and watched the count of said votes as to said office of State Senator, and that, according to the best of his knowledge and belief, fifty was the entire vote received by said R. H. Ward at said precinct.

E. D. GIDDINGS,
W. R. JEFFERSON,
A. S. FULKERTH.

Subscribed and sworn to before me, by each of said affiants, this 30th day of December, A. D. 1875.

J. F. WARD,
Notary Public for the County of Stanislaus.

BEFORE THE HONORABLE THE SENATE OF THE STATE OF CALIFORNIA.

In the matter of the contested election of J. M. Montgomery, for the office of State Senator of the Fifth Senatorial District of the State of California.

COUNTY OF SACRAMENTO—SS.

The undersigned, being first duly sworn, each for himself and not one for the other, deposes and says:

That he is a citizen of the United States and of the State of California; that affiant has resided in the State of California for more than one year, and in Tuolumne City Precinct, in the County of Stanislaus, for more than thirty days next preceding the general election held in said precinct on the first day of September, A. D. eighteen hundred and seventy-five. That affiant, at the time of said general election, was, and for a long time prior thereto had been duly registered upon the Great Register of the said County of Stanislaus, and was in every way qualified as an elector of said Tuolumne City Precinct and entitled to vote therein at said election. That on the first day of September, A. D. eighteen hundred and seventy-five, a general election was held in said precinct. That at said election R. H. Ward and J. M. Montgomery were being voted for by the electors of said precinct for the office of State Senator of the Fifth Senatorial District of the State of California, composed of the Counties of Mariposa, Merced, and Stanislaus; and that at said election these affiants, each speaking for himself, respectively, delivered to the officers of election in charge of the ballot-box at said precinct a ballot in form as prescribed by law, with the name of said J. M. Montgomery and no other name unerased thereon, for the office of State Senator, and that he saw said officers then and there duly deposit said ballot in the said ballot-box at said precinct; and then these affiants, each for himself, depose and say that they severally, at said election, at said time and place, voted for J. M. Montgomery for State Senator.

And these affiants further aver, upon information and belief, and so charge the fact to be, that the ballots cast by them severally, or some of said ballots, were by some person or persons, to these affiants unknown, after the said ballots so cast as aforesaid had been canvassed by the officers of election at said precinct, and the result of said election had been ascertained, falsely and fraudulently altered and changed, by fraudulently substituting the name of R. H. Ward for the name of J. M. Montgomery thereon and erasing the latter name therefrom.

Wherefore, the premises considered, affiants pray that they may be permitted to testify before your honorable Committee on Elections as to for whom they voted at said election for the office of State Senator at said precinct.

C. C. BAKER,
ROBT. PHILLIPS,
ELI AMSBOUGH,
J. W. OWEN,
JOHN H. LAIRD,
RUSSEL KINGEAD,

JOHN V. DAVIES,
MATHEW MOYLE,
SAMUEL GATE,
WILLIAM COBB,
F. E. VINCENT,
JOSEPH VINCENT.

Subscribed and sworn to by each of said affiants, this 20th day of December, A. D. 1875.

W. A. ANDERSON, Notary Public.

STATE OF CALIFORNIA,
County of Sacramento. }

On this 20th day of December, A. D. 1875, before me, W. A. Anderson, a Notary Public in and for said county and State, personally appeared C. C. Baker, Robert Phillips, Eli Amsbough, J. W. Owen, John W. Laird, Russel Kingead, Joseph Vincent, John V. Davies, Mathew Moyle, Samuel Gate, Wm. Cobb, F. E. Vincent, and subscribed and swore to the foregoing affidavit.

[SEAL.]

W. A. ANDERSON,
Notary Public, Sacramento County.

TESTIMONY.

In the matter of the contest between R. H. Ward, contestant, and J. M. Montgomery, respondent, before the Senate Committee on Elections.

TUESDAY, December 21st, 1875.

Present: Senators Graves (Chairman), Edgerton, Pierson, McGarvey, and Hilborn.

Counsel appearing—for contestant, Hon. D. L. Terry; for respondent, Hon. J. Hamilton, W. E. Turner, and A. Hewell.

Mr. Graves (to Mr. Terry)—I do not know that I understood you correctly the other evening. Do you rest your case upon the recount, simply?

Mr. Terry—Yes, sir. Upon the vote of Stanislaus County. And we offer, of course, the returns from Mariposa and Merced Counties, as returned to the Secretary of State.

Mr. Graves—I suppose it will be well to produce those documents?

Mr. Hamilton—We will treat them as in.

[After discussion.]

Mr. Edgerton moved that the witnesses, one by one, give their testimony with reference to the thirteenth ballot, subject to be stricken out hereafter.

The motion was carried.

C. NELSON, called for the respondent, sworn and examined:

Mr. Turner—What is your name, sir?

Answer.—C. Nelson.

Q.—Where do you reside, Mr. Nelson?

A.—Three miles from Tuolumne City.

Q.—In what voting precinct do you reside?

A.—Tuolumne City.

Q.—Did you vote at the general election held in September last?

A.—I did, sir.

Q.—Where did you vote?

A.—At the polls in town.

Q.—Where; in what precinct?

A.—Tuolumne.

Q.—What ticket did you vote, Mr. Nelson?

Mr. Ward—What is the necessity of all this? I object to it, as irrelevant and immaterial.

Mr. McGarvey—There is no necessity of all this; the question is, who did you vote for?

The Chairman—The committee decide that that is an improper question.

Mr. Turner—Do you know who you voted for, for Senator, Mr. Nelson?

A.—Well, my impression is, I voted for Mr. Montgomery.

Q.—Of whom did you receive the ticket that you voted?

A.—It is on my mind I got it from Mr. Vincent.

Mr. Montgomery—What did you say; it is on your mind, you say?

A.—On my mind that I got it from Mr. Vincent.

Mr. Turner—Which Mr. Vincent?

A.—Joseph.

Q.—The old man?

A.—Yes, sir.

Mr. Turner—I ask permission now, to ask him which ticket he voted?

Mr. Ward—We object to it, as irrelevant and immaterial.

Mr. Turner—We offer this for the purpose of showing that he asked for a certain ticket, and that it was given to him, and that he said he wanted that ticket to vote for; and follow it up by Mr. Vincent's testimony as to what he did.

Mr. Ward—We object to it, as irrelevant and immaterial, as to what ticket he voted. The only question to be passed upon by this committee—who he voted for—is certainly the only question to be determined.

Mr. Turner—I will suggest this to the committee, with your permission, that it be taken subject to exception. When the argument comes you will see by the authorities that this is a proper, competent question, for they go a great deal further than that.

Mr. Edgerton—It will be quicker to take it.

[It is agreed that it shall be taken, subject to exception.]

Mr. Turner—Now, Mr. Nelson, which ticket did you vote?

A.—The Republican ticket.

Q.—Have you any doubt in your mind that you voted the ticket that Mr. Vincent gave you?

A.—No, sir; I have no doubt.

CROSS-EXAMINATION.

Mr. Terry—Where did you get this ticket from Mr. Vincent; at what place?

Answer.—Right at the polls; he went and got it.

Q.—Where was the polls held?

A.—Tuolumne.

Q.—At what house in Tuolumne?

A.—In the brick house.

Q.—Brick warehouse?

A.—Yes, sir.

Q.—The polls were held in that house. Where was it he gave you the ticket, in reference to that house; how far from that house did he give you the ticket; whereabouts?

A.—Across the street. I tied my horse there to a post; then he came there. I stopped and took the saddle from the horse; in the meantime he came over to see me.

Q.—You were taking the saddle off your horse, and he came over to you?

A.—Yes, sir.

Q.—You asked him for the ticket. Where did he go to get the ticket?

A.—I did not ask him.

Q.—What passed between you?

A.—He is old friends with me. He asked me how my family was, and asked me if I came over to vote, and so on. I told him, yes.

Q.—Then what?

A.—Then he went away, and came back with the ticket.

Q.—You had not asked him for the ticket then?

A.—Not as I recollect.

Q.—He came back with the ticket. Was it printed or written?

A.—Printed.

Q.—Was it all printed, or was there any writing?

A.—All was printed.

Q.—There was no writing on it at all?

A.—No, sir.

Q.—How many tickets did you have in your possession that day?

A.—I believe there was three tickets.

Q.—Did you read the names on either of those tickets?

A.—I read some of them.

Q.—Some of them?

A.—Yes, sir; I read them down on that ticket I voted.

Q.—All of them?

A.—I believe I did.

Q.—You believe you read them all. What names were on it?

A.—I could not mention them all. It was a long ticket. I could not recollect their names.

Q.—Was Mr. Scrivner's name on it?

A.—I could not say.

Q.—You could not say whether Mr. Scrivner's name was on it. Was Mr. Rogers' name on it?

A.—I put that down myself for Sheriff.

Q.—Was his name on for Sheriff?

A.—Yes, sir; I believe I put that down.

Q.—Who was on for Clerk?

A.—I do not recollect.

Q.—Who was on for Assessor?

A.—I believe his name was Wilson.

Q.—Believe his name was what?

A.—Wilson.

Q.—What name was on it for Lieutenant-Governor?

A.—I do not know, sir.

Q.—What name for Governor?

A.—It was in opposition to Irwin.

Q.—What?

A.—It was not Irwin.

Q.—You do not know who it was?

A.—No, sir.

Q.—And this ticket was given to you across the street, where you were fastening your horse?

A.—Well, I had my horse tied by that time.

Q.—Where you tied your horse?

A.—Yes, sir; on the sidewalk.

Q.—Did you stay there, after Mr. Vincent came there first, till he went and got the ticket and came back?

A.—It was not much of a stay.

Q.—I do not ask you whether it was much or little. Did you stay there?

A.—I was there till he came back with the ticket. I didn't stop there for that purpose.

Q.—You did not go away from where your horse was till he brought the ticket?

A.—No, sir.

Mr. McGarvey—Did you vote the Democratic ticket, the Republican ticket, or the Independent ticket, on that day?

A.—The Republican ticket.

Q.—Was it headed "Republican Ticket?"

A.—No, sir.

Mr. Terry—Was Mr. Rogers' name printed on that ticket, or did you write it on?

A.—I believe I wrote it on myself.

Q.—It was not printed there?

A.—How?

Q.—It was not printed there?

A.—No, I do not believe it was.

Q.—Why did you say, in answer to the first question, that all the names were printed and no writing on the ticket?

A.—His name was left blank.

Q.—Didn't you, when I first asked the question whether it was printed or written, answer that there was no writing on it?

Mr. Turner—When he got it.

Mr. Terry—I asked the witness, Mr. Turner, not the counsel.

A.—When I got it there was no writing on it—when I got it.

Mr. McGarvey—Mr. Chairman, I suggest we have but one at a time.

Mr. Terry—Didn't you state that there was no writing—that the ticket was all printed?

A.—I did state so.

Q.—And you state that you wrote Mr. Rogers' name on it yourself, you think?

A.—Yes, I believe I did.

Q.—Where did you write it? At what place did you write it?

A.—On the sidewalk there, on my knee.

Q.—With a pencil or pen?

A.—With a pencil.

Q.—Now, sir, did you see any other ticket on that day, or have you seen since any ticket that was voted in that county, that had a blank for the office of Sheriff, except that one?

A.—I could not say.

Q.—Was there any candidate for Sheriff in Stanislaus County, except John Rogers, at that election?

A.—Any other Sheriff?

Q.—Yes, sir; was there any other candidate for Sheriff at that election, except John Rogers?

A.—Rogers was up for Sheriff.

Q.—Well?

A.—Rogers was up for Sheriff.

Q.—Was there any other candidate except John Rogers?

A.—I do not know that there was.

Q.—Do you not know that there was not?

A.—No, sir; I do not know that there was not.

Q.—Did not you know that Rogers' name was printed on all the tickets?

A.—Maybe it was; I could not say that it was.

Mr. Turner—How long have you resided there, Mr. Nelson, in that place?

A.—About eight years.

Q.—On your own property?

A.—Yes, sir.

Q.—And you are a farmer down there?

A.—Yes, sir.

Q.—Are you a man of family?

A.—Yes, sir.

Mr. McGarvey—You say at the time that you received that ticket from Mr. Vincent that there was no writing on it?

A.—Yes, sir, I stated that.

Q.—And that, after you received it, you did write the name of Rogers on it?

A.—Yes, sir.

Q.—You do not know for whom you voted for Governor?

A.—I do not; there were other names on it, too, besides.

Q.—Do you know who you voted for, for Governor?

A.—Well, I did not vote for Irwin.

Q.—Do you know who you did vote for?

A.—Not positively; I could not mention his name.

Q.—How do you know you did not vote for Irwin?

A.—Well, I know that.

Q.—How do you know it?

A.—Because I saw his name on some other ticket.

Q.—Do you know whether it was on your ticket or not?

A.—It was not on mine.

Q.—How do you know; did you read it?

A.—I think I did.

Mr. Edgerton—Did you vote for Bidwell? Is that the name; or Phelps, or Irwin, or either of them? Do you recollect either of the names, Phelps, Bidwell?

A.—If it was any, Phelps.

Q.—You think that was the name? Do you know whether the Republican party in that county nominated anybody for Sheriff?

A.—No, sir; I do not know.

Q.—Do you know whether the Republican tickets were printed in blank for Sheriff?

A.—No, sir; I do not know.

Q.—You do not know anything about it?

A.—I do not pay much attention to elections; it don't bother me; I did not bother much in politics.

The Chairman—I understood you to say awhile ago that you wrote another name besides that of Rogers in the ticket.

A.—Yes, sir.

Q.—What name was that?

A.—It was Brooks, for Constable, and Davis, for Constable.

Q.—Two other names—Brooks and Davis?

A.—Yes, sir.

Mr. McGarvey—After you received the ticket, where did you go to?

A.—Right to the polls, and put it in.

Q.—You stopped and wrote; you wrote three names; was that on the way to the polls?

A.—Yes, sir; I went from the spot where I was, straight to the polls.

Q.—Where did you stop to write on the ticket?

A.—Where my house was.

Q.—You say you stopped on the sidewalk?

A.—On the sidewalk; the horse was there.

Q.—You stopped right there?

A.—I stopped right on the sidewalk. There was a bench there alongside of the old house.

Q.—Was Mr. Vincent present when you wrote it?

A.—I think he left me at the time I wrote it.

Q.—When you started toward the polls from that spot, did Mr. Vincent go in that direction with you?

A.—He went to the polls ahead of me.

Q.—You did not go together?

A.—No, sir.

Mr. Pierson—Did Mr. Vincent see you write Mr. Montgomery's name.

A.—I do not know whether he did or not; he went to the polls ahead of me.

Q.—Was he there when you wrote the name?

A.—He might have been there when I started, but he went away before I got through.

Q.—Was the name of Montgomery written in the ticket when you received it from Vincent?

A.—If it was on, it was printed.

Mr. McGarvey—Did you say Montgomery's name was printed on the ticket?

A.—If it was on, it was printed.

JOSEPH VINCENT, called for the respondent, sworn and examined:

By Mr. Turner—Your name is Joseph Vincent?

Answer—Yes, sir.

Q.—Where do you reside, sir?

A.—About nine miles from Modesto.

Q.—In what precinct?

A.—I reside now—the precinct I resided in was Tuolumne Precinct before it was divided. It has been divided since the election.

Q.—What precinct was that in then?

A.—Tuolumne Precinct.

Q.—Were you at the polling place on the day of the election?

A.—Yes, sir.

Q.—Was Mr. Nelson there?

A.—Yes, sir.

Q.—Did you have any transaction with him in connection with a ballot?

A.—Yes, sir; I saw him—I was acquainted with him years ago. When I saw him coming in near where the election was held, I went to him and he asked me for a ticket, and I gave him a ticket.

Q.—What ticket did you give him, sir?

A.—I gave him the Republican ticket, I think; and also an Inde-

pendent ticket, at least I offered him one. I think I also had a Democratic ticket; I think I had one with me; but he was not a Democrat, consequently I never urged him to take it.

Q.—Now, on the tickets that you gave him, what name was on for State Senator?

A.—Montgomery. Montgomery was on both the tickets.

Q.—Have you any doubt of that at all?

A.—No doubt at all, sir; because Mr. Towne came forward, too, and spoke to Mr. Nelson, and urged him to vote for Ward as he was in favor of a system of irrigation, consequently I knew.

Mr. McGarvey—Towne, did you say?

A.—Mr. Towne.

Mr. Turner—I will ask you what was your business down there—what did you do?

A.—Farming.

Q.—How long have you lived there, sir?

A.—I have lived there about seven or eight years.

Q.—Are you a man of a family?

A.—I have two sons.

CROSS-EXAMINATION.

By Mr. Terry—Where was it you gave this ticket to Mr. Nelson?

Answer—Where was it?

Q.—Yes, where was it you gave this ticket to Mr. Nelson?

A.—In Tuolumne City.

Q.—I know it was in Tuolumne City, but whereabouts?

A.—It was near an old store that was there, about two hundred feet off, I should think, from the polling place.

Q.—Did you give him the ticket when you first went to him, or did you go away and get it and bring it back to him?

A.—I had the ticket with me, I think; I am not sure of that; but then I know I spoke to him and gave him a ticket. Of course I was acquainted with him, and spoke of other subjects, first about his family. I was acquainted with his family and acquainted with him.

Q.—How many tickets did he take from you?

A.—I am not sure whether he took two. He might have taken more, but I do not think he took but two. I do not think he took but one, though he may have taken two.

Q.—Were the names on the ticket that he took printed?

A.—They were printed.

Q.—Was there any writing upon them at all?

A.—Well, there may have been some writing for Constable, but I do not think there was any writing in the body of the ticket.

Q.—Was there any writing there when you gave him the ticket, or was it put on afterwards?

A.—I am not sure. I do not know, because that was a thing I never thought of remembering.

Q.—Do you know whose name was on that ticket for Sheriff?

A.—I think John Rogers. I think his name is John.

Q.—Was it printed or written?

A.—I think he is printed on it.

Q.—Was there any other candidate in that county for Sheriff, except John Rogers?

A.—I do not think there was.

Q.—His name was then printed on all the tickets—Republican, Independent, and Democrat?

A.—I think that the Republican ticket was left blank in places. I do not know, though. I am not sure but there was a number of tickets—some Republican tickets were not like other Republican tickets, because they never nominated a whole ticket.

Q.—There was no other candidate for Sheriff, except Rogers?

A.—I do not know now, but I think there was no other candidate.

Q.—If there had been some one nominated, you would have been apt to know it, wouldn't you?

A.—Of course I would; but what I knew then, and know now, is two things.

Q.—If there was but one candidate, what object would there have been in leaving the blank?

A.—I do not know that it was blank. I think there may have been some names left blank.

Q.—Do you remember to have seen any ticket with the Sheriff's place blank.

A.—I do not remember. There was a number, a variety of tickets, consequently I could not say.

Q.—Did you go with him to the polling place?

A.—Yes, sir.

Q.—Did you go ahead of him, or behind him?

A.—I didn't go with him at all, I went home.

Q.—You didn't go with him?

A.—I did not go to the polling place with him at all; I went home.

Q.—In another direction from the polling place?

A.—In another direction from the polling place.

Mr. Edgerton—Do you state that the name, "Montgomery," was on both of the tickets which you handed him?

A.—I think Montgomery was on both of the tickets.

Q.—Did the Republican party nominate anybody for Sheriff in that county?

A.—I do not think they did. The Republican party only nominated two or three.

Mr. Terry—I think that is admitted.

Mr. Turner—I will ask you if you did not know that the Republican tickets in that county were printed with the name of the Sheriff blank?

A.—I could not be positive; there was so many tickets. But I know that I gave him an Independent ticket, and also, I believe, a Republican ticket. I know that he was Republican in his sentiments.

Mr. McGarvey—Do you know that you gave him a Republican ticket?

A.—I know that I gave him a Republican ticket, and I think I gave him an Independent ticket, too.

Mr. Edgerton—What name was generally printed on the Republican ticket for State Senator?

A.—Montgomery.

Q.—Throughout the county, or in that precinct?

A.—Well, I am not conversant with what was done throughout the county. I did not go anywhere, and took no particular interest in the election at all; only went to vote.

Q.—In that precinct, you say, "Montgomery" was generally printed on the Republican ticket for State Senator?

A.—In that precinct the tickets were.

Q.—What name was generally printed upon the ballots in that precinct for State Senator for the Independent party?

A.—"Montgomery."

Mr. McGarvey—Can you tell who you voted for on that day?

A.—Yes, sir; I voted the Independent ticket.

Q.—I did not ask you what ticket you voted. Can you tell me whom you voted for?

A.—I can.

Q.—For whom did you vote for State Treasurer?

A.—I cannot tell the State Treasurer. I voted the regular Independent ticket, and John Bidwell was on for Governor; and to remember those names, that are now obsolete, I can't.

Mr. Edgerton—You think they have become obsolete? [Merri-ment.]

Mr. Turner—I understand the committee, then, do not propose to hear the evidence of these witnesses as to how they voted.

Mr. McGarvey—I understand that it is admitted that if they were here they would swear to what is stated in the affidavit. Is that your agreement?

Mr. Terry—I stated that I had no doubt that those witnesses, if present, would swear to just what is stated in the affidavit, and that the affidavit may be taken as their deposition.

[After discussion.]

It is agreed to that the affidavits be taken as depositions, subject to the objection as to their admissibility.

Mr. Turner—If the Senators please, I understand the proposition contended for on behalf of the respondent is this: that the ballots are the best evidence; that they are the highest evidence; that we cannot go back of the ballot-box and show a contrary state of facts to what is shown on the face of those ballots; in other words, that we cannot show that the voters voted otherwise than appears on the face of the ballots. I understand that to be the proposition contended for by the contestant. Is that it, Judge Terry?

Mr. Terry—That is my proposition.

Mr. Turner—I will first refer your committee to the "Law and Practice of Legislative Assemblies," by L. S. Cushing, Section 199: [reads]; such section referring to the Sixteenth Congressional Globe Appendix, page 456. Also, Section 210 of Cushing. [Reads.] Also, to Granville, 27, 118, 119. [Reads.] I now refer you to Brightley's Leading Election Cases. The case of *Read v. Nias*, page 366. [Reads.] Next, the case of *Loyal v. Newton*, First Congressional District, page 592. Also, *People v. Seacock*, 16 Michigan, 283. Also, the case of the *People v. Pease* (Brightley), page 396. I also refer you to a decision in 8 Cowen, page 107; that is what is referred to here in the case of the *People v. Pease*, page 396 of Brightley. [Reads.] Also, a case in the Supreme Court of Ohio, found in 16 Ohio State Reports, page 184, and also found in Brightley, 408. [Reads.] Now, I propose to read from a case of the *People v. Holden*, in the Supreme Court of California, 28 Cal.; also found on page 483 of Brightley. Also, the case of the *People v. Cook*,

found in 14 Barbour, page 298. Also, the same case in the appellate Court, found in 4 Selden, page 82. I also desire to call your attention to this case, found in 55 New York Reports, page 535, dated January eighteenth, eighteen hundred and seventy-four. It may be proper to call your attention to the fact that in the State of New York the remedy given for contesting elections is by a case of *quo warranto*. Ours is by petition, which is similar in every respect. I will refer you to the *People v. Pease*, found in 27 New York, page 59. I will also call your attention to a case found in "Contested Elections of the Assembly of the State of New York," page 455; and on page 450 of the same book the same thing is done. On page 370 of the same book the same course is pursued. I call your attention to the case of *William Williams v. J. H. Lyon*; and on page 364, the contested case of *Joseph Shock v. M. Hunderford*; and on page 337, in the same case, they discussed the matter. On page 281, to the report of the committee; I will call your attention to that. [Reads.] On pages 258 and 259, the case of *Snow v. Russell Smith*; also, page 243 and the previous pages; also, page 164, the case of *George T. Pierce v. Ebenezer Crosley*; also, pages 119 to 124, *Sanderson v. John J. D. Graff*; also, page 94, *Henry F. Jones v. Thomas Treadwell*; and, also, to pages 55 to 58, all of the same book—"Contested Elections of the Assembly of the State of New York"). In that book, from first to last, we find the common course of procedure in practice in the Election Committee of that House is to send summonses out for persons, and put the witnesses on the stand, and ask them the direct question: "For whom did you vote for the office?" and it was received by the Election Committee. In conclusion, I will call your attention to the case in 7 Lansing, page 277, decided in eighteen hundred and seventy-three, in the Supreme Court of New York.

The committee here adjourned until Tuesday, January fourth, eighteen hundred and seventy-six, at seven P. M.

TUESDAY EVENING, January 4th, 1876.

Present—Senators Graves (Chairman), Pierson, Hilborn, and McGarvey.

The Chairman—The question now before the committee is the admissibility of the testimony introduced the other night. Judge Terry will not be here, I suppose. I presume the contestant will take such a course in regard to the contest that it will be proper for the committee to rule upon the question now.

Mr. Pierson—I should think it entirely unnecessary to decide upon that question, considering that Ward has withdrawn.

Mr. Turner—I will submit an authority upon the question, that he has no power to discontinue the contest.

The Chairman reads a communication from R. H. Ward, withdrawing from the Senatorial contest, and giving his reason therefor.

Mr. Pierson—Did you say you had an authority that he cannot withdraw from the contest?

Mr. Turner—Yes, sir; half a dozen of them. I will refer you first to *The People v. Holden*, 28 Cal. [reads]; also, *Mann v. Cassidy*.

Mr. McGarvey—Mr. Chairman, I move that, whereas the contestant has withdrawn from the contest, we report in favor of the right of the sitting member to his seat by reason of the other party having withdrawn.

[After discussion.]

Mr. McGarvey—I withdraw my motion, and now move that the evidence before taken be received as evidence, and that we do report that we find from the evidence that the sitting member was duly elected.

Mr. Pierson—I cannot vote in favor of that motion, because I am convinced myself that that evidence is not admissible. In this case, it is very true, it is a pure matter of form, yet I do not propose to have myself placed upon the record as voting in favor of the question that I cannot convince myself of the truth of. The question I was about to ask Mr. Turner was, whether he proposed to introduce any evidence to show that these ballots—outside of the fact of their being voted at the election—that these ballots were mutilated after they were placed in the ballot-boxes.

Mr. Turner—We do propose to introduce that testimony.

Mr. Graves—Have you that testimony here, Mr. Turner?

Mr. Turner—Yes, sir, we have it.

Mr. Graves—Can you have it by eight o'clock? My view of this question is, that the testimony offered by the respondent is admissible. Its weight as evidence, of course, will have to be considered afterwards. As to its admissibility, I have no hesitancy in deciding that it is admissible.

The Chairman—The majority of the committee, then, rule that the evidence is admissible, and we therefore will consider it in.

Mr. McGarvey—I move that we report that from the evidence we find that the sitting member was legally elected and entitled to his seat.

Mr. Hamilton—Before you pass upon that motion we will have testimony to offer which will tend to arrest the doubt which is on the mind of your committee.

The Chairman—What is the character of the affidavits, the same as the others?

Mr. Hewell—No; these are the affidavits of officers of elections and of bystanders who saw the count made.

The Chairman—These affidavits are admissible under the stipulation. Have you the evidence of any witness tending to show fraud?

Mr. Turner—Yes, sir, we have.

Then the committee takes a recess until half-past eight o'clock.

The committee re-assembled at eight o'clock and forty minutes P. M.
Present—Senators Graves (Chairman), Hilborn, and Pierson.

JAMES R. AULL, called for respondent and sworn:

Mr. Pierson moved to exclude all persons from the room except the parties, their counsel, the witness in the stand, and the reporter.
Carried.

Mr. Pendegast—I do not appear as an attorney in the case at all, but Mr. Aull has made some statements to me about what he proposed to testify to and wanted me to be present.

Mr. Pierson—Is there any objection to Senator Pendegast remaining?

Mr. Turner—No objection. Our sole object is this: that none of this testimony shall get out in any way, shape, or manner beyond the committee. That is our sole and only object.

Mr. Pendegast—If the committee will allow me, I want to call the attention of the committee to this section [Section 304 of the Political Code], and distinctly say that Mr. Aull at this time, as at all times hereafter, will claim the protection given by this section.

Mr. Turner—Mr. Aull, about what age are you?

A.—Thirty-one.

Q.—Where did you reside during the month of September, eighteen hundred and seventy-five?

A.—Modesto.

Q.—In what county?

A.—Stanislaus County.

Q.—Were you at that time an elector of that county?

A.—Yes, sir.

Q.—Do you know the contestant here, R. H. Ward?

A.—Yes, sir.

Q.—Were you in Modesto during the election held in September, eighteen hundred and seventy-five, at which Ward and Montgomery were candidates for the office of State Senator for the Fifth Senatorial District?

A.—Yes, sir; I was there.

Q.—On which side did you act or take part in?

A.—On behalf of Mr. Ward.

Q.—After the election—at any time after the election—did you have any connection with the ballots—any ballot or ballots, or packages of ballots—cast at that general election?

A.—Well, in what manner?

Q.—Had you any connection at all?

A.—Yes, sir.

Q.—State to the committee all the connection, and all the facts, connected with any transaction that you may have had in connection with them, right from the first?

A.—Well, sir, the connection I had with them was to go with Mr. Walden to the Court-house.

Q.—Commence at the first, Mr. Aull, and state the whole thing, as if you had not stated it before to anybody?

A.—Right from the beginning, or shall I mix it up, and interpolate?

Q.—State right from the beginning?

A.—I will tell from the beginning. Mr. Ward came to me on Sunday morning—

Q.—State right here *what* Sunday morning?

A.—Well, it was some ten days after the election—I cannot remember whether the first or the second, I could not swear to which—and came to my room and woke me up in the morning, and told me he wanted me right away. At the time I knew nothing about what was to be done, or proposed to be done. We took a team and went down to Mr. Walden's ranch, about eight miles, and there we met

Mr. Walden. They had a private conversation of half an hour, I suppose, and we got in the buggy and came back to Modesto; got there about noon. In the afternoon, I understood from their conversation, they were going to proceed [?] and I was invited to participate in it; which I did, very foolishly. Mr. Walden came to me in the afternoon and told me that everything was ready, and about eight o'clock came to me and told me to get a room, which I did; got a room across the railroad track, back of the Race Track Saloon, on the west side of the track; and then I went with him. I went to the Court-house—the basement of the Court-house—where he slept—he and another party—and we got three or four packages of ballots. I think there were four precincts: Westport, Empire, Tuolumne City, and Turlock—four precincts.

Mr. Pierson—What were those four?

A.—Turlock, Empire, Westport, and Tuolumne City. The packages were opened and taken off the string. He took them off, and where the name of Mr. Montgomery was printed it was scratched off and Mr. Ward put in its place.

Mr. Pierson—In the presence of Ward?

A.—No, sir; Mr. Ward was not present at all; nobody but myself and Mr. Walden.

Q.—Who did the writing?

A.—Mr. Walden.

Mr. Turner—Where was it that this alteration took place?

A.—On the west side of the railroad track; the Race Track Saloon.

Q.—Where did you first see the packages?

A.—I saw them when I met with Mr. Walden, in the basement of the Court-house.

Q.—Then what did you do? Where did you go with the packages of ballots?

A.—Right to the west side of the railroad track.

Mr. Graves—How far was it?

A.—Three or four hundred yards?

Mr. Turner—You went into the room you hired at Walden's suggestion?

A.—Yes, sir.

Q.—What means did you use to open these packages?

A.—Steamed them over a tea-kettle.

Q.—You say that you and Ward and Walden had some conversation returning from Walden's, by which you were invited to participate. Tell us what conversation you had, if any, that you remember.

A.—I do not remember any particular conversation, at that time, that occurred; because I was not a party to it at that time. I had no knowledge of Mr. Ward—nothing particularly from him.

Q.—What was said by him at all about this matter?

A.—Well, all that was said was that he was satisfied, the way the returns had come in, that he was beaten, and he was not going to be beaten.

Q.—Did he say anything about fixing it, or anything of that kind?

A.—Yes, sir; that was the range; something of that purport. I cannot remember what was said. I cannot recollect in regard to the words, only what the general purport of it might be. I could not mention any particular words, only that the matter was to be arranged.

Mr. Pendegast—I do not think there is any question before the

committee as to any conduct of Ward's. The committee only w
to show that the ballots were changed.

Mr. Turner—That is all.

Mr. Graves—Do you know how many ballots were changed?

A.—I do not know. I think there were something like fifty or

Q.—Walden made the change?

A.—Yes, sir.

Q.—You saw him do that?

A.—Yes, sir.

Q.—Ward was not there at all?

A.—No, sir.

Q.—You and Mr. Walden?

A.—That is all?

Mr. Turner—Where was your room?

A.—In the Ross House.

Q.—In Modesto?

A.—Yes, sir.

Q.—Who was it occupied the room with Walden in the base
of the Court-house?

A.—Who with him?

Q.—Yes; you said the room was occupied by somebody with

A.—Mr. Lane, I think, was the other occupant of the room.

Mr. Pierson—Deputy County Clerk?

A.—Yes, sir.

Mr. Hilborn—Does Mr. Walden occupy any official position?

A.—No, sir.

Mr. Graves—Had you to go into the room where the ballot
got?

A.—No, sir.

Mr. Hilborn—They had been brought before you went there

A.—Yes, sir.

Q.—Was Lane there when you first saw them?

A.—Not that I know of.

Mr. Turner—Just state to this committee the reason you
your mind for taking the course you have pursued, just as
though you had not stated it to anybody else previously.

A.—I have but one reason for doing so: that I was guilty
in the matter, and suspicion pointed to the Clerk's office; and
were two parties in the office; my brother was one of the underloing
and Mr. Branch; and the result of the thing would inevitable
upon them, and I was determined that they should not [suffer,

the matter should not rest upon them at all, and no suspicion
attach to them. If it involved any legal or personal consequence
myself, I was willing to undertake it and bear it myself. I was
ested in the matter, and that is the only reason I have to mak
statement that I have. I made a statement to the Attorney-Gen

Mr. Hilborn—You know the ballots were changed, do you
saw the change?

A.—I saw the change; yes, sir.

Q.—And you think about fifty.

A.—I think about that many.

Mr. Graves—You say that the packages were opened by
over a kettle; by steaming?

A.—Yes, sir.

How was the package from Turlock? In what condition was
en you first saw it?

I do not remember.

In relation to being sealed, or open?

I could not swear. I think, though, that it was sealed. I am
ositive. It was not open, though.

Not open?

No, sir; there were none of the packages open.

In what condition was the package from Westport Precinct?

They were all sealed.

You are positive of that?

Yes, sir.

Pierson—What motive had you for doing this?

What motive had I?

In seeing these ballots changed in that way?

Turner—In taking part in it?
In the first place, I cannot exactly tell why. I was a very
partisan, and strongly interested, and I did not hardly count
it; and the real reason I could not exactly tell why.
You were a strong partisan of Ward's?

Yes, sir.

Were you paid anything for what you did at that time?

No, sir.

Turner—Was anything said about pay?

Not then. Not during the canvass.

am not speaking of the canvass, but at the time?

If course it was understood that any show of doing anything
as a matter of course, I should reap the benefit of it.

erson—Understood between you and Ward?

es, sir; and Mr. Walden.

ou mean in the shape of influence in putting into office, or
g of that kind?

Yes, sir.

Turner—I want to ask you, if at the time that this alteration
ing on, was anything said in reference to this Tuolumne Pre-

etween you and Walden, by either of you?

no, nothing particularly, only I suggested to him that I thought

doing a little too much, and he said he owned the precinct,

Walden said so?

Hilborn—About how many changes did you make in each
was there any uniformity?

I was; there was no uniformity; it was a pot[?] lot[?] There was

me, because I did not like it much any way, at the time;

ed me to change some ballots, and I would not do it. It was

own handwriting. I did not touch the ballots myself, and

very few suggestions.

erson—To whom did you first communicate this thing, after

an done?

Hamilton, the Attorney-General.

w long ago?

o weeks ago.

you ever communicate it to Mr. Ward?

sir.

vault was

em? You
e itself?

desire to

Mr. Pendegast—I will ask you to state on your oath, whether or not Mr. Branch, the County Clerk, or Charles Aull, the Deputy Clerk, so far as you know, had any knowledge of, or in any way, or shape, or manner, were parties to this transaction?

A.—They were not in no manner, shape, or form; are innocent to this day, and don't know anything more about it than this spittoon; knew nothing about it; nothing in the world. That was one of the main reasons of my coming to the Attorney-General; because the County Clerk and my brother were in the office. Suspicion pointed to the office, and the shadow rested upon them, and I would not allow it to rest there.

Mr. Hewell—You say you made a statement to the Attorney-General two weeks ago; was it a full statement?

A.—No, sir; I did not make a full statement; a partial statement.

Q.—Simply indicated to him that you were one of the parties?

A.—Yes, sir.

Q.—When did you make a full statement of this to anybody?

A.—Never have made a full statement of it before to anybody.

Mr. Turner—Just think of that; refresh your memory. Has any statement been made to-day?

A.—Yes, sir, I made a partial statement to-day.

Mr. Hewell—And any communication you have made, to-day, was the first time you went into particulars about it?

A.—Yes, sir.

Mr. Hilborn—What is your occupation, Mr. Aull?

A.—I am usually—clerking has been my usual occupation.

Q.—In what capacity?

A.—In various capacities.

Q.—Clerk in stores?

A.—Stores, hotel—that has been my usual occupation.

Q.—What is your present business?

A.—At present I am not doing anything.

Q.—How long have you resided in Stanislaus?

A.—About eight or nine years. I have done a great many different things; run a butcher shop, saloon business, and various capacities.

Q.—Have you a family?

A.—No, sir.

Q.—You have a brother that is in the County Clerk's office?

A.—He was in the office, he is not now.

Mr. Hewell—Did the witness state how the ballots were disposed of after the alterations were made?

A.—They were replaced and sealed up the same as they were before.

Mr. Graves—All the packages?

A.—Yes, sir.

Mr. Hewell—Taken back to the Clerk's office?

A.—Yes, sir.

Q.—How did you get in the Clerk's office?

A.—Well, Mr. Warden had a key to the works.

Mr. Pierson—Did he have the key to the vault?

A.—No, sir.

Mr. Hilborn—Did you take them to the basement?

A.—No, sir, to the Clerk's office.

Q.—And put them where?

A.—In the desk.

Q.—Whose desk was that?

A.—The Clerk's desk.

Q.—Mr. Branch's desk?

A.—The desk they used. It was not in the vault. The vault was adjoining the main room.

Mr. Hilborn—That was not the place where you found them? You found them in the basement, but restored them to the office itself?

A.—Yes, sir.

Mr. Pierson—Do I understand that Judge Terry does not desire to be here at this examination?

Mr. Hewell—He stated he would not be here.

The Witness—That is all I know about it.

MESSAGE
OF
GOVERNOR WM. IRWIN,

RETURNING TO THE SENATE, WITHOUT HIS APPROVAL,

SENATE BILL NO. 250,

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF AN
ACADEMY IN THE COUNTY OF TEHAMA.

MESSAGE.

To the Senate of the State of California :

I respectfully return to your honorable body, Senate Bill No. 250, entitled, "An Act to provide for the construction and maintenance of an academy in the County of Tehama," without my approval.

This bill, if enacted into a law, will authorize the Board of Supervisors of Tehama County to issue seventy-five thousand dollars of county bonds, to be expended in the erection and furnishing of an academy building, boarding-house for teachers, students, etc., in Tehama County. It also provides for the levy of an annual tax of ten cents on the hundred dollars of property in the county for the support and maintenance of the academy after it shall have been erected and finished.

The bonds are to bear interest at the rate of eight per cent. per annum, making a sum of six thousand dollars to be raised annually by taxation. The tax required to be levied annually to support the academy will produce four thousand dollars.

The sum total, therefore, which the bill provides for raising annually by taxation, is ten thousand dollars.

The debt which this bill would create equals one and eight-tenths per cent. of the whole assessed value of the real and personal property of the county. The assessed value of the property, real and personal, of the county, for the year eighteen hundred and seventy-four-five was four million seventy-eight thousand eight hundred and eighty-five dollars. The debt of the county for the same year was: funded, sixty-five thousand six hundred and eighty-eight dollars and fifty-three cents; floating, twenty-nine thousand one hundred and forty-six dollars and forty-four cents; total, ninety-four thousand eight hundred and thirty-four dollars and ninety-seven cents. If we add to this seventy-five thousand dollars, the amount of bonds provided for in this bill, the indebtedness of the county will aggregate one hundred and sixty-nine thousand eight hundred and thirty-four dollars, or over four per cent. of the assessed value of the whole real and personal property of the county. The present debt of the county equals two and a third per cent. of the assessed value of its property.

The rate of taxation in the county for eighteen hundred and seventy-four-five was, for State and county purposes, two dollars on

the hundred; if this becomes a law, twenty-five cents more on each hundred dollars will have to be added.

I think your honorable body will agree with me that four per cent. of the assessed value of its property is more than a county ought to owe, unless it shall have been forced into debt by the most unavoidable circumstances, for the most necessary purposes; also, that two dollars and twenty-five cents on the hundred is more than the people ought to be required to pay in taxes, unless such rate is absolutely necessary to meet the requirements of government in the exercise of its legitimate and unquestioned functions.

It may not be amiss to advert to the fact that the Constitution does not permit the State, except in certain specified exceptional cases, to go into debt over three hundred thousand dollars.

The natural and logical inference from this inhibition would be that the counties, which are only fractional parts of the State, organized to aid in the government of the State, should also be denied the right to incur debts which, in the aggregate, would, added to the debts created directly by the State, exceed three hundred thousand dollars. The object of the denial to the State of the power to create a debt beyond the sum specified, was, doubtless, to save the people from demoralization, inseparable from the creation of large debts, and the oppression of excessive taxation necessarily resulting therefrom. But if the counties may go into debt without restriction, and such has been both the legislative and judicial construction put upon the Constitution, we are perpetually in danger of being overwhelmed by the very evils which the framers of the Constitution sought to protect us from by the provisions against the creation of debts. And as the Courts will not declare county debts, when created for legitimate purposes, unconstitutional, no matter what their magnitude may be, the duty of the Legislature is, if possible, more sacred and imperative than it otherwise would be, to see that the counties incur pecuniary obligations only for legitimate governmental purposes, and in such amounts as may be absolutely necessary. Thus, and thus only, can the people be saved from those twin evils, the most blighting to the public prosperity—crushing debt and exhausting taxation.

If every county in the State should ask permission to create a debt for the purpose of building and furnishing an academy which should bear the same ratio to its property which the debt proposed to be created by this bill would bear to the whole property of Tehama County, and the permission should be granted, the aggregate of the county debts that would be created for this purpose alone would be eleven million dollars. And yet, can there be any reason given why Tehama County should go into debt to such an extent for this purpose, which will not apply with equal pertinency and force in the case of every county in the State? But what legislator would consent that such a debt, even for the cherished and sacred cause of education, should be put upon the people of the State?

The reasons above set forth against the passage of the bill proceed upon the assumption that the object for which the debt is to be created is a proper and legitimate one; but that it is against sound policy to burden the people of Tehama County with a debt of such magnitude—a debt which must, to some extent, cripple their enterprise and impair their prosperity. However forcible these objections to the bill may be, there is another, which, in my judgment, is of a still more serious character.

I do not question that it is within the constitutional power of the Legislature to create a debt for the purpose specified in this Act. The theory upon which State Constitutions are construed is, that the Legislatures possess legislative omnipotence, except in so far as their power is restrained or abridged by the Federal or State Constitutions. And I know of no clause, either in the Constitution of the United States or of this State, which forbids the employment of the taxing power, whether by the State or the counties, to promote education. But precisely because it is a case in which the Courts could not be successfully invoked to protect the people against the taxing power, there is the greater reason why the Legislature should consider well before calling that power into action.

In the address which I delivered at the opening of the session, I took occasion to say that I held it to be the duty of the State to provide every child within its jurisdiction with the opportunity of obtaining an education. I defined the education, which I held the State bound to furnish, to be what is popularly understood by the phrase, "a common school education." The employment of the taxing power to provide schools in which such education might be obtained, I held to be a proper and legitimate exercise of that power of sovereignty. I then set forth, at some length, the reasons which, in my judgment, made necessary and justified this use of this power. But I do not think the same reasons exist, requiring and justifying the support of the higher schools by taxation. It is true, we have the University and the Normal School, both furnishing education to the few, in the higher branches of education, and both supported, in whole or in part, by taxation. The support of the Normal School by taxation can, perhaps, be vindicated, on the ground that it is the head of our common school system, and is necessary to the prosperity and success of that system. In the case of the University there is no such obvious grounds, it must be confessed, on which to plant a defense of its support by taxation. It may be said, in extenuation of what we have heretofore done in its behalf, and also, of what we may still have to do for it, that its foundations were laid in the magnificent grant of land from the Federal Government for the purpose, and that the taxation which the people of the State have borne, or which they may yet bear, to supplement the munificence of the General Government, has been, and will be so light as scarcely to be felt. We cannot omit to remark, however, that most of the great and renowned institutions of learning, both on this continent and in Europe, have been planted and nurtured by private donations and bequests, and not by public taxation.

The objection to this bill, on this ground, is, that it will tax the entire people of the county to build and maintain the academy, while but a very small percentage of the children in the county will ever be able to enjoy its advantages.

If the bill becomes a law, and the academy is built, the people outside of the town in which it shall be located will be able to give their children the advantages of it only by boarding them away from home. This will entail an expense which not over one family in ten will be able or willing to incur. To say that one-tenth of the children of the county will ever attend the academy, if it shall be built, I think, must be conceded to be a liberal estimate. Yet, the parents of each one of the nine children who do not attend, will be compelled to pay each year twenty-five cents on every hundred

dollars of their property to support an institution for the education of the children of their more prosperous and wealthy neighbors. Would this be just? Ought not the wealthy, who desire their children to have a better education than can be obtained in the public schools, and who have the means to give it to them, be inhibited from invoking the taxing power of the State to coerce their less fortunate neighbors to support schools for their benefit? What prevents the wealthy men of Tehama County, or the wealthy men of any other county, from establishing and maintaining an institution for the education of their sons and daughters? I do not undervalue the importance of a good academy to any county; but, as, from the very nature of the case, it is impossible that more than a very small percentage of the children of the county can ever enjoy the advantages of such academy, I do not think it would be proper and legitimate to tax the county for its support.

For these reasons I am constrained to return the bill without my approval.

WILLIAM IRWIN, Governor.

MESSAGE
OF
GOVERNOR WM. IRWIN,

RETURNING TO THE SENATE, WITHOUT HIS APPROVAL,

SENATE BILL NO. 248.

AN ACT TO PROVIDE FOR THE KEEPING OF THE CAPITOL GROUNDS.

MESSAGE.

To the Senate of the State of California:

I herewith respectfully return to your honorable body Senate Bill No. 248, entitled "An Act to provide for the keeping of the Capitol grounds," without approval.

This bill is intended to introduce greater economy in keeping the Capitol building and the public offices therein, and preserving and keeping in proper condition the Capitol grounds. It has, therefore, a two-fold purpose.

So far as the purpose is to have the interior of the Capitol taken care of at less cost than is entailed by the existing law, it is a strictly proper one. But, though the object of this part of the bill is commendable, the method it adopts for the accomplishment of the object is open to question.

The law now in force provides, for the taking care of the interior of the Capitol and doing other work, the following force:

A janitor at one hundred and twenty-five dollars per month; an engineer at one hundred and twenty-five dollars; a fireman at seventy-five dollars; three porters at seventy-five dollars each; and three watchmen at seventy-five dollars each. Total, seven hundred and seventy-five dollars per month. These employes are appointed by the Secretary of State.

In addition there are employed in the public offices in the Capitol the following:

In the Governor's office an usher at fifty dollars per month; in the Secretary of State's office a porter at twenty-five dollars; in the offices of the Controller and Surveyor-General a porter at fifty dollars; in the office of the Attorney-General and Superintendent of Public Instruction a porter at thirty-three dollars and thirty-three cents. Total, one hundred and fifty-eight dollars and thirty-three cents.

If these two totals be added there results a grand total of nine hundred and thirty-three dollars and thirty-three cents, which is the amount per month paid for employes, exclusive of clerks in the Capitol and in the public offices therein.

There is no question that this amount is extravagant, and is materially in excess of what ought to be paid for all services required.

The bill now returned abolishes the office of janitor, dispenses with the fireman, with the three porters employed in the halls, and

the three watchmen; and, also, with the usher and porters in the State offices.

It retains an engineer, and provides, in lieu of all others now employed, four "servants," as the bill designates them. It fixes their salaries as follows: the engineer's at one hundred dollars per month; one "servant" at eighty dollars; three "servants" at seventy dollars each. Total, three hundred and ninety dollars. The engineer and "servants" are to be appointed by the Secretary of State.

At present the usher allowed to the office of the Governor, and the porters allowed to the other State offices, receive their appointments from the officers respectively in whose office they are employed.

I do not deem it necessary to argue that the office of the Governor ought not to be deprived of an usher, nor that the other State officers ought not to be denied the privilege of selecting the porters who are to serve in their respective offices.

It seems to me that the rule in these matters which has hitherto obtained, is so obviously the correct one, that it needs only to be stated to command universal assent.

It is true this bill, if it shall become a law, will affect a reduction in the wages of those, other than clerks, employed inside of this building, of some five hundred and forty dollars per month. This is a large item, and should be saved, if it can properly be done. But is it necessary, in order to inaugurate all desirable economy in this department of the public service, that the Executive office should be refused an usher, or the other State officers be compelled to allow persons over whom they could have no proper control, free access to their offices?

I have already shown that the compensation of the several persons employed in the Executive and other State offices amounts to one hundred and fifty-eight dollars per month. If to this be added the pay of an engineer at one hundred dollars per month; the pay of one porter at eighty dollars; and one at seventy dollars, there will result a total of four hundred and eight dollars, as the monthly pay-roll of a corps of employes for the Capitol and public offices, which would be, I think, quite as efficient as the one provided in this bill. This arrangement would not contain the feature which makes the present bill obnoxious, I think, to every State officer.

The monthly pay-roll of the engineer and "servants," as provided in this bill, would aggregate, as already shown, three hundred and ninety dollars; that of the various employes, under the plan I now suggest, would be four hundred and eight dollars, an excess of one hundred and eighty dollars over the other. It must be observed, however, that no provision is contained in the bill now returned, nor in the one suggested, for watchmen. It is worthy to be considered whether there ought not always to be some one on watch in the building.

This bill defines, also, the number of men which may be employed on the Capitol grounds, and fixes their compensation. The existing law provides for a gardener and four laborers. This bill retains the gardener, but reduces the number of laborers that may be employed under him to three; of course, no more men should be employed than are necessary to keep the grounds in proper condition, but I doubt much if it would be possible to keep the grounds in proper condition with the force provided in this bill. Mr. O'Brien, the gardener now in charge of the grounds, informs me that it will be impossible to keep the grounds properly, with only three men.

addition to himself. I incline to the opinion that his statements on this point are entitled to full credence. As corroborative of his opinions, it may be stated that his predecessor, Mr. Parsons, in addition to employing the four men allowed by law, expended for outside labor during the year, from July first, eighteen hundred and seventy-four, to July first, eighteen hundred and seventy-five, one thousand seven hundred and seventy dollars; and for such labor during the period from July first, eighteen hundred and seventy-five, to December twenty-first, eighteen hundred and seventy-five, one thousand eight hundred and fourteen dollars.

The grounds have been fitted up with much taste and at great expense. They are set with plants and flowers and shrubs of rare and costly varieties. I cannot suppose that your honorable body would purposely withhold the means necessary to cultivate and perpetuate what has been obtained at so great cost, but it is my sincere conviction that without your permission to employ more help than this bill contemplates, the Capitol grounds must, to a considerable extent, be allowed to run wild.

For the reasons above given, I hold it to be my duty to withhold from this bill my signature.

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WILLIAM IRWIN, Governor.

REPORT

OF THE

SPECIAL COMMITTEE OF THE SENATE,

ON

RETRENCHMENT.

REPORT.

MR. PRESIDENT: Your Special Committee on Retrenchment, after as mature and careful consideration of the subject as their time would allow, respectfully submit:

That retrenchment is practicable we assume to be conceded. Every political platform, every candidate for office, every printed journal, and all the tax-payers, have united in a universal and harmonious cry for lower taxation. The question over-topping all others in the political contest of eighteen hundred and seventy-five was the one of cheaper government. The tax-payer demands it, and his right to it cannot be questioned; the office-hunter and office-holder have admitted its justice and practicability, and the question now occupies the relation of a contract, which good faith insists shall be fairly and honestly executed, and which is especially enviroined by the solemn and repeated pledges to inaugurate a just and reasonable, but at the same time a radical, searching and unflinching reform. Public expectation will not be satisfied with the abridgment of a few minor expenses, when a general, pervading, and unsparing reform may and ought to be carried into the management of our State, county, and municipal governments. The barriers that will be opposed to any such abridgment of taxation will not be few not contemptible, since the interests of incumbents, the anxious hopes of aspirants, the cunning devices of demagogues, and the pleasing luxuries which generous salaries supply, array themselves in opposition. We are cautioned not to proceed to extremes, and warned that official compensation is no greater than equally well-qualified people receive in the private businesses of life. The answer is at hand. In rare cases, where great interests are at stake, or where great corporate powers are exercised, or where large sums of money are manipulated, and in cases where extensive but hazardous and speculative pursuits are followed, and in some instances where great sums are invested in private business, peculiar fitness of the employé for the end in view, and the return of munificent profits, may justify and are rewarded with unwonted liberality; but these, as compared with employments generally, are extremely rare, and by no means constitute a standard of just measurement. Offices are created by the people for the transaction of their common business, are maintained out of the common contribution, and should be administered at the minimum price that will secure efficiency. Unlike private employments, incumbents

perform no acts to increase the common fund; all their relations to it tend to exhaust it. The rule that should obtain in administering the finances of the State is that which every prudent man applies to his private affairs, and the household of the State should be governed by the same rigid economy that is observed in individual business. Nor is there any foundation in truth for the flippant assertion that to keep office-holders from stealing, exceptionally large salaries should be assigned. The doctrine is false in morals and untrue in practice; it is against all experience, and it is absurd to say that increased facilities would either curb indulgence or correct moral obliquity. Nor does the experience of other States give any color to the argument that moderate salaries fail to secure efficient and faithful service, nor indeed does it appear, as the observation of every Senator will attest, that there would be any difficulty in finding people willing to undertake the responsibilities of office; nor could it have escaped the reflection of any one, that to the value of public positions over those obtained in private life is due the degrading spectacle of a hungry and eager crowd rushing from all portions of the State to the capital to solicit public employment. Without dwelling on the demoralizing effects of such a condition of things, it is palpable that its correction rests in the destruction of the cause which occasioned it, and which is, to make the return for official employment just, reasonable, and compensatory, graduated, as far as may be, by the compensation awarded to equal fitness and character in private life.

In the discharge of the duty which your resolution imposes on us, we shall not content ourselves by general statement or simple condemnation, but shall endeavor to show, by comparison and by statistics, how just is the view here presented, and then point out the remedy which will materially relieve the tax-payer. The compensation allowed per annum to State officers, under the Code, is:

Governor	\$7,000
Secretary of State	4,000
Controller	4,000
Attorney-General	4,000
Treasurer	4,000
Surveyor-General	4,000
Ex officio Register of Land	4,000

By later Acts of the Legislature, the salaries of some of these officers have been increased for services rendered ex officio, making them as follows:

Governor	\$8,000
Secretary of State	5,000
Controller	5,200
Attorney-General	5,500

The compensation allowed the same officers in the States following are:

STATES.	Salary of Judges of Supreme Court	Salary of Librarian	Salary of Attorney-General	Salary of Surveyor-General Office	Salary of Treasurer	Salary of Controller	Salary of Secretary of State	Salary of Lieutenant-Governor	Salary of Governor	Assessed Value of State property	Population, 1870	Area in square miles
	\$4,000	\$1,200	\$3,000	\$ 450	\$1,500	\$1,000	\$1,000	\$ 300	\$1,100			
Connecticut	1,200	500			4,000	2,200	800	1,000	1,000		587,454	4,074
Illinois	1,200				2,200	2,200	2,200		1,000		2,539,391	55,410
Indiana	3,000				2,000	1,000	1,000		1,000		1,080,637	33,809
Iowa	2,500				1,600	1,000	1,000		1,000		1,191,792	55,045
Kansas		1,000			1,000	1,000	1,000		1,000		364,399	81,318
Maine		800			1,000	1,000	1,000		1,000		626,315	31,776
Michigan					1,000	1,000	1,000		1,000		1,184,059	56,451
Minnesota					1,000	1,000	1,000		1,000		439,706	88,531
Missouri					1,000	1,000	1,000		1,000		1,721,295	65,350
Nebraska					1,000	1,000	1,000		1,000		122,993	76,995
Nevada					1,000	1,000	1,000		1,000		906,096	8,320
New Hampshire					1,000	1,000	1,000		1,000		313,300	9,280
New Jersey					1,000	1,000	1,000		1,000		2,665,290	39,964
New York					1,000	1,000	1,000		1,000		2,665,290	39,964
Ohio					1,000	1,000	1,000		1,000		90,923	95,244
Pennsylvania					1,000	1,000	1,000		1,000		3,321,791	46,000
Rhode Island					1,000	1,000	1,000		1,000		217,353	1,306
Texas					1,000	1,000	1,000		1,000		1,054,670	53,924
Alabama					1,000	1,000	1,000		1,000		996,992	50,722
Arkansas					1,000	1,000	1,000		1,000		484,471	52,198
California					1,000	1,000	1,000		1,000		1,877,748	59,268
Florida					1,000	1,000	1,000		1,000		1,184,109	52,268
Georgia					1,000	1,000	1,000		1,000		1,321,011	37,600
Idaho					1,000	1,000	1,000		1,000		726,915	38,000
Kentucky					1,000	1,000	1,000		1,000		705,606	41,346
Louisiana					1,000	1,000	1,000		1,000		29,385	29,385
Massachusetts					1,000	1,000	1,000		1,000		1,295,520	45,600
Michigan					1,000	1,000	1,000		1,000		818,579	257,504
Minnesota					1,000	1,000	1,000		1,000		1,225,163	40,904
Missouri					1,000	1,000	1,000		1,000		442,014	23,000
Montana					1,000	1,000	1,000		1,000		112,090	112,090
Nebraska					1,000	1,000	1,000		1,000		330,551	10,212
Nevada					1,000	1,000	1,000		1,000		4,382,759	47,000
New Hampshire					1,000	1,000	1,000		1,000			
New Jersey					1,000	1,000	1,000		1,000			
New York					1,000	1,000	1,000		1,000			
North Carolina					1,000	1,000	1,000		1,000			
Ohio					1,000	1,000	1,000		1,000			
Pennsylvania					1,000	1,000	1,000		1,000			
Rhode Island					1,000	1,000	1,000		1,000			
Texas					1,000	1,000	1,000		1,000			
Vermont					1,000	1,000	1,000		1,000			
Virginia					1,000	1,000	1,000		1,000			
Washington					1,000	1,000	1,000		1,000			
West Virginia					1,000	1,000	1,000		1,000			
Wisconsin					1,000	1,000	1,000		1,000			
Wyoming					1,000	1,000	1,000		1,000			

* Controller and Land Commissioner.

STATES.	Assessed valuation.....	Salary of Secretary of Governor.....	Per diem of members of Legislature.....	Salary of Superintendent of Public Instruction.....	Salary of Adjutant-General.....	Clerk hire—Secretary of State.....	Clerk hire—State Controller.....	Clerk hire—Treasurer.....	Salary of Circuit Judge.....	Salary of Supreme Court Reporter.....	Salary of Clerk of Supreme Court.....	Salary of Superintendent of Public Printing.....
Connecticut	\$425,433,237	\$1,000	\$3 00	\$3,000	\$1,500	\$2,500	\$3,500	\$2,500				
Illinois	482,899,576	2,500	3 00	3,000	800		1,000		\$1,000			
Indiana	663,455,044	350	3 00	1,800	100							
Iowa	302,516,418	1,200	\$500 00	2,200	2,000			2,000	2,500			
Kansas	92,123,861	1,200	2 50	2,000	1,600	2,400	2,400			\$700		
Maine	204,263,730	800	3 00	1,600	1,000	1,400	1,200	1,400		1,000		
Michigan	272,282,317	1,500	5 00	2,500	1,500	1,000	1,500	1,500		800	\$1,500	
Minnesota	84,133,332		5 00	3,000	1,300	1,500	1,500		1,000			
Missouri	566,123,919		3 00		1,000	600		1,000		200		
Nebraska	64,584,016		3 00		1,000					400		
New Jersey	624,868,971		5 00		500	1,200			2,000			
New Hampshire	149,065,250		3 00		600	600			2,000			
Ohio	118,753,163	600	3 00						2,000			
Oregon	33,323,042		1 00	1,400					2,000			
Pennsylvania	1,311,236,042		3 50	1,200			1,500		2,500			
Rhode Island	331,378,835	1,000	6 00									
Wisconsin	333,263,895	1,500										
Alabama	155,532,595											
Arkansas	94,533,843			3,500								
Florida	33,840,843		\$500 00	3,000								
Georgia	927,219,519	1,800	7 00	1,800		1,800	1,800	1,600				
Kentucky	410,544,294	1,200	5 00	3,000	1,200	800	1,900	1,000	3,000			
Louisiana	253,371,890	2,500	8 00	5,000					5,000			
South Carolina	183,913,337	2,000	6 00	2,500	1,500		1,000					
Tennessee	253,782,151		4 00				1,200					
Texas	140,732,929		8 00									
Virginia	365,439,917	2,000	8 00	2,000		2,700						
West Virginia	140,538,273	1,500	3 00	1,500	1,500				1,000			
Nevada	25,740,973	2,400	8 00	2,000					1,800			
California		2,400	10 00	3,000								
Idaho			3 00		500							
Montana	102,548,523		3 00									
New York	1,967,001,185			5,000								
Maryland												

* Salary for term.

The great disparity apparent from a comparison of these official salaries—a disparity equally noticable in the compensation allowed for clerical service—readily explains and justifies the popular demand for retrenchment.

The circumstances surrounding official employment in the States named are not greatly different from our own; keeping in mind, however, that the Government of California was organized at a time of inflated prices, and with most unusual pay assigned to official service, while in the States enumerated the compensation was least at first, and has only, after a long time, reached its present moderate form. There the struggle has been to raise, and here the effort to retrench. The quality of the service, and the integrity and capacity required, being alike, are there any reasons to justify the difference in the reward accorded? Are the staples of life or the cost of rent and living so much greater in California than elsewhere as to justify a continuance of our present high salary system? Taking into account the circumstances that the same money will buy here as many of the necessities and comforts of life as in most of the States named, that the people own the offices and have a right to public service at the lowest rate compatible with efficiency, that such efficiency is attainable at reduced salary rates, that taxation has become a grievous burden, that taxes are paid very often at the expense of self-denial and family deprivation, and that the salaries paid are out of proportion to the rewards conferred on other work requiring an equal degree of capacity and integrity; the conclusion becomes irresistible that a great and general retrenchment should be made, and should reach to every department of the public service as speedily and as often as occasion may offer.

Under the provisions of the Constitution, judicial and State officers are to receive a salary which, during the period for which they are elected, shall not be changed.

This will enable the officers of State to claim the compensation prescribed by the Code, but the additional compensation for work done ex officio may be abolished, and provision may and should be made by legal enactment to limit salaries for the future to an amount which shall be just and reasonable as between the incumbent and the tax-payer.

A careful scrutiny into the remuneration, as compared with services rendered, of the judicial officers of the State, might lead to like conclusions, and the question may well be entertained whether the tax-payer has not here a great and just ground for complaint, and whether the Bench may not be filled with equal ability and integrity at a lower rate of burden to the people. The annual expense to the State on account of Supreme and District Judges reaches the very large sum of one hundred and fifty-six thousand dollars. While it may be that the salaries of some of the judicial officers may not be readily reduced without inconvenience to the public business, there is scarcely any doubt that most of the districts would not suffer in the administration of the law by diminished compensation allowed their Judges, nor that the present incumbents would aspire to reelection even if the salaries were very sensibly diminished.

Returning to the question of retrenchment in the pay of State officers, we recommend the passage of a law fixing the salary of the Governor at five thousand dollars per annum, and the other officers of State, to wit: Secretary, Controller, Attorney-General, Treasurer,

and Surveyor-General—ex officio Register of Land, at the sum of three thousand dollars each per annum. The passage of a law to that effect at this time will prove the good faith of the Legislature, and be reasonable notice to succeeding incumbents of these offices that no higher salaries will be tolerated. A persevering struggle is maintained by those who seek to gain access to the public exchequer, and the effort is often rewarded by the creation of new offices really unnecessary, or in the increase in pay of those necessary and already existing, which finds no justification superior to the desire of the occupant to possess it, and in so far becomes a misuse of the taxes, which should be employed solely for necessary or reasonable governmental administration. To illustrate this tendency, we collate the expenses attending the conduct of some of the public offices in eighteen hundred and seventy-seventy one, as compared with those of eighteen hundred and seventy-four-five, showing how insidiously and how successfully the public coffers are approached:

1870-1.		1874-5.	
Governor	\$7,000	Governor	\$7,000
Executive Clerk	1,800	Ex-officio as Examiner	1,000
Secretary of State	4,000	Clerk	2,400
Clerks	6,000	Secretary of State	\$4,000
Controller	4,000	Ex-officio as Examiner	1,000
Deputy Controller	1,800	Clerks	9,900
Clerks	8,900	Controller	\$4,000
Tide Land Clerk	1,800	Ex-officio of Equalization	1,200
Clerks to Treasurer	3,600	Deputy Controller	3,000
Attorney-General	4,000	Clerks	12,950
Surveyor-General	\$2,000	Clerks to Treasurer	4,200
Register of Land Office	2,000	Attorney-General	\$4,000
Clerks of Surveyor	4,000	Ex-officio as Examiner	1,500
Clerks of Register of Land Office	3,600	Surveyor-General	\$2,000
Superintendent of Instruction	3,000	Register of Land Office	2,000
Clerk	1,800	Clerks of Surveyor	7,800
Traveling expenses	1,000	Clerks of Register of Land Office	3,600
Members of Board of Equalization	6,000	Clerks paid from fees in Land Office, with maps	\$10,508 99
Printing Expert	600	Superintendent of Instruction	3,000
Clerk to Examiners	600	Deputy Clerk	1,800
Supreme Court Reporter	4,000	Traveling expenses	1,500
		Members of Board of Equalization	1,500
		Mileage and traveling expenses	8,400
		Printing Expert	4,000
		Clerk to Examiners	1,800
		Supreme Court Reporter	1,200
		Phonographic Reporter	6,000
			3,000
			\$103,750
		Extra Clerk hire by Register of Land Office, say	4,000
			\$107,750
	\$71,100		

The foregoing presents a few samples of the way in which the public purse is depleted, and is only a counterpart to what is found in every department of the Government where the public moneys are used. For public services rendered the compensation allowed in eighteen hundred and seventy and eighteen hundred and seventy-one was not only just and reasonable, but even generous; and the large increase and expense since that time is neither expedient nor is it justified by the exactions of the public business. Some idea of

the magnitude of this additional encroachment, and the oppression to the tax-payers, may be formed when it is considered that it reaches a sum greater than the entire revenue received from the Counties of Alpine, Del Norte, Mono, Trinity, Lassen, Modoc, and Mariposa.

For the correction of these abuses it is our duty, as it is the demand of our constituents, to abolish every office and employment not necessary to the public welfare; to limit the discretion of public officers in the use of the fees and the public property entrusted to them, and to cut down the compensation of all employes, principals and subordinates, to a point that will preserve efficient service, and to a scale commensurate with the means of the people to pay and the remuneration received in private affairs for like services. This can be done without injustice, and should be done, because the people who own and maintain the Government peremptorily demand it, and any attempt to dodge, obstruct, or defeat this reform, and any failure on the part of the Legislature to accomplish it, will, and may with truth, be denounced as a dereliction of duty and a treachery to pledges.

In pursuing this inquiry attention is strongly invited to many small expenses which aggregate a large sum, and which may, we believe, be abated in whole or in part.

The sum of twenty-one thousand and three hundred dollars is annually expended in taking care of the Capitol and Capitol grounds, as follows:

Porterage—Governor	\$600
Secretary of State	300
Controller	300
Treasurer	300
Attorney-General	200
Surveyor-General	300
Superintendent of Public Instruction	200
Examiners	250
Librarian	600
Equalization	300
Clerk of the Supreme Court	250
Supreme Court	600
Adjutant-General	300
	\$4,500
Engineer	1,500
Janitor	1,500
Fireman	900
Three porters, each \$900	2,700
Three watchmen, each \$900	2,700
Two watchmen for treasury	2,400
	11,700
Gardener	1,500
Four laborers, \$900 each	3,600
	5,100
Contingent expenses allowed officers	1,620
Total	\$22,920

—making in the aggregate twenty-two thousand nine hundred and twenty dollars.

Of this sum the allowance for contingent expenses ought to be wholly refused, for although officers show a most happy attribute in exhausting the appropriation to the last cent, yet it is well known that every appliance needed in the offices, whether stationery proper or office implements, is supplied from the office of Secretary of State, and the contingent allowance is, or is pretended to be, consumed in ice and newspapers. It can hardly be doubted that, by a properly organized system, the work and watching necessary to be done inside the Capitol may be reduced at least one-half, and that outside in some, though in a less degree. Half the number of employes, working under proper supervision, would perform the same service, and without the least detriment to the public.

The sum of five thousand dollars is used annually in postage and expressage, and the amount allotted to the different officers is with commendable diligence stretched just to cover the public exigency.

Your committee does not presume to suggest that these sums so applied are not exactly enough, but the expenditure should be limited strictly to the actual demand. The careless legislation which allows excesses and wastes in the particulars enumerated may be partly corrected in the passage of the appropriation bills and partly by special enactment.

While commending a general reduction and retrenchment of salaries and expenses in the executive department, we find a like retrenchment practicable in the judicial department. The salaries allowed the following officers are:

Clerk of the Supreme Court.....	\$4,000
Deputy Clerk of the Supreme Court.....	1,800
Reporter of the Supreme Court.....	6,000
Phonographic Reporter of the Supreme Court.....	3,000
Secretary of the Supreme Court.....	3,000
Total.....	\$17,800

The same services in eighteen hundred and sixty-seven were rendered at an expense as follows:

Reporter.....	\$4,000
Secretary of the Supreme Court.....	1,800
Total.....	\$5,800

It is not believed that any difficulty would be found in filling the offices with competent persons if the compensation should be fixed at

For Clerk of the Supreme Court.....	\$2,400
Reporter of the Supreme Court.....	3,000
Phonographic Reporter (if at all necessary).....	2,000
Secretary of the Supreme Court.....	1,800
Total.....	\$9,200

Your committee further believe that the expenses of the office of Superintendent of Schools may be diminished by the abrogation of the office of Deputy, and by fixing the annual expenses in traveling

at eight hundred dollars, by which two thousand five hundred dollars may be saved to the treasury.

The expense attending the Board of Health, including printing, reaches annually the sum of nine thousand dollars, and it becomes a question whether the benefits derived from this organization, at this time, when the payment of taxes is so difficult, justify so large an expenditure and a further appropriation of the public funds to it, and whether the public spirit and generous enterprises of the medical fraternity might not accomplish the same ends from a love of their profession and the public benefits conferred.

What has been said in reference to the Clerk of the Supreme Court is equally applicable to the Librarian.

Two thousand dollars to the principal, and fifteen hundred dollars to a deputy, with six hundred dollars for an assistant during the session of the Legislature, would conform to the spirit of the times, and gratify a just demand for reform.

To continue an annual expenditure of twelve thousand two hundred dollars to keep alive the present State Board of Equalization—a Board all whose powers for usefulness have been emasculated by the decisions of the Courts—would be an idle waste of the public taxes, and the sooner the law creating it is repealed, the better for the State.

Having devoted a cursory examination to some of the items of expenditure under the executive and judicial departments of the Government, and having pointed out what we deem just and practicable reform therein, we now direct attention to what seems to us not only possible, but desirable retrenchment in the legislative department.

To begin at the head, we commend to consideration, and recommend the adoption by the Legislature, of a fixed salary as compensation in lieu of per diem; and that a law be enacted fixing one thousand dollars per session as such compensation for the members, which shall be in full for stationery, stamps, papers, and all contingents except mileage, which shall be allowed at the rate of ten cents for every mile traveled in going to and returning from the capital.

To reform ourselves is more difficult than to suggest reform for others; and while we are conscious that the pay of members, taking into consideration the attendant expenses and personal sacrifices, is rarely above actual expenses, yet we regard the office as one of great trust and honor, and one which ought to be exercised with the highest sense of responsibility and the most delicate care and unselfishness.

The member should hunt his reward rather in the consciousness of duty discharged than in remuneration for services rendered, and should content himself with the best compensation compatible with the payment of expenses properly or necessarily incurred. To abridge the per diem here will have a salutary influence in checking the pernicious practice into which parties have fallen of levying heavy assessments upon partisan nominees, assessments not always employed for legitimate purposes, for the diminished income from official incumbency will limit the ability to pay, and in this case, while seeming to lessen the compensation of the member, really only leaves his assessment among the tax-payers. The officers and clerks of the two Houses should be strictly limited to the number actually required. Every employe should perform work or be summarily dismissed. That the remuneration allowed for clerical services is

deemed higher and more attractive than employments generally supply, is proved by the crowd who seek positions, and the reluctance to retire when attainment becomes impossible. Committees should not ask for clerical attendance when the work might be as well performed by the committee itself. Committees of visitation should be joint, and consist of a sub-committee, and only one clerk (if any at all) be allowed; and all attachés and employés should be strictly debarred, beyond the necessary supply for their offices, access to the stationery and other legislative supplies. The report of the Secretary of State shows that while the supply of stationery at the last session of the Legislature, for the members of both branches, amounted to three thousand five hundred and thirty-eight dollars and fifteen cents, the same for the officers and attachés reached the sum of five thousand and ninety-four dollars and seventy-six cents, an expenditure equally unnecessary and unwarrantable. Nor is it possible to conceive of any conduct more reprehensible than any self-appropriation of the supplies intended for the public use.

The estimated expenses of the State for military purposes, for the next two years, is ninety-four thousand eight hundred and five dollars, an average of forty-seven thousand four hundred and two dollars per annum. This amount may be diminished at once four thousand four hundred dollars by abolishing the offices of Deputy Adjutant-General and Armorer, and by reducing the salary of the Adjutant-General to two thousand dollars per annum. The abolition of the two offices recommended, it is believed, might be made without injury to the public service, and the reduction of the salary of the Adjutant-General would be only in conformity with the spirit of reform demanded by the popular voice. The whole expense of our military establishment should not exceed that of other States similarly situated and of equal population.

In approaching the question of State printing, we enter on a topic that has in the past been a grievous burden to the treasury. The Controller's estimates fix the probable expenditure for that head, for the twenty-eighth and twenty-ninth fiscal years, at one hundred and twenty-four thousand eight hundred dollars. This includes the salary of the Superintendent. The gentleman entrusted with the management of the printing has a reputation for experience and integrity, and your committee is encouraged to believe that a great saving in expense, by the practice of a rigid economy, will be effected; and they are already assured that the public work will be executed at a gain to the State of from thirty to forty per centum over work heretofore done. But unless the Legislature shall come to the aid of the State with the greatest economy, the printing expense will prove a rasping burden, and, to a great degree, a useless expenditure of the public taxes. The amount of work done is out of all proportion to its value; and the State pays large sums for the printing of matter that is utterly worthless. Some supervision over the kind and quantity of matter to be printed, ought to be exercised; otherwise retrenchment in that direction must prove abortive.

The number of Boards, Commissions and departments whose duty it is to report to the Governor the condition and business of the several offices, is numerous, and most of them confine themselves to the strict purpose of a report; while others, forgetting or disregarding the design of such report, or eager only to appear in the glory of a most voluminous tome, produce a cumbersome and worthless book

and inflict on the coffers of the State a most serious wound. Take, for example, the report of the Superintendent of Public Schools, a volume weighing thirty ounces, and containing some seven hundred and twenty pages, embracing, besides the report proper of the Superintendent, those of the University Regents and Normal School—reports already and separately published. This volume is filled with a great deal of matter which strictly has no relation to the business of the office, and copied or compiled from sources accessible to the public; and when it is remembered that five thousand two hundred and eighty copies of this huge report is published at the expense of the people's taxes, and at a cost of not less than ten thousand eight hundred dollars, is it not time to muzzle the discretion accorded to public functionaries, and to restrict the publication to what is real and useful? Little behind this report, in bulk and worthlessness, is the report of the State Agricultural Society, whose transactions obtain publicity at the expense of the public. Many other reports contain little valuable information, and hardly merit the expense of printing. Among the heavy items of expense chargeable to the printing department is the publication of the appendices to the journals of the two Houses.

The matter contained in these volumes is already secured in the archives of the State, and their publication and binding serve scarcely any better purpose than to encumber the chambers where they are stored; nor are they intrinsically worth the postage required for their distribution. By abridging or forbidding the publication of all matter which can prove of no real benefit, but which has heretofore issued from the office of the public printer, no less than twenty-five thousand dollars per annum may be saved to the State. By the exercise of a wise economy, seconded by the Superintendent, the outlay for printing may be brought within reasonable bounds, and fall within the limits prescribed to themselves by other States.

The topic, more than all others, that touches the heart of the whole State, is that of the public schools. The generosity of the National Legislature has already supplied an endowment of one million seven hundred and thirty-seven thousand five hundred dollars, which yields an annual income of one hundred and seven thousand dollars. To this the property of the State adds an annual tribute of one million one hundred and twenty thousand dollars, making together one million two hundred and twenty-seven thousand dollars. This is a great and munificent foundation for the education of the children of the State. To support the schools, the interest on twenty million dollars would be required to supply the sum apportioned the past year by the State for school purposes, and the system will become, every succeeding year, more and more a burden on the taxes collected by the State. Before the expiration of three years, property will pay more taxes to maintain the schools than for all other governmental purposes. While the number of children that do not, but that sooner or later will, enjoy the benefit of this patronage is very large, and the maintenance of the system organized on its present plan will tax to the uttermost the energies of the State, it behooves the friends of the system to exercise a wise supervision over its working and to provide that its efficiency and popularity may not be perilled by making it too heavy for the people to carry, or by overloading it with expenses which divert its fund and expose it to just criticism. All the available resources of the State applicable to this end should be carefully

husbanded and discreetly distributed; and all excrescences that may deform, and defects that may clog the system, should be unsparingly pared away. To obtain the greatest practicable benefit at the least reasonable expense should be the leading effort of its friends.

Your committee believe that here, as in other divisions of the State economy, reform is practicable, and that discontinuance of State aid to the publication of the "Teacher," and of the application of the School Fund to the maintenance of State and County Institutes would relieve the people annually from taxes to the amount of forty thousand dollars; and so far as the Institutes are concerned, by preventing the demoralization necessarily attendant on the interruption of school exercises, leave them in a more healthy and efficient condition. Other subjects of questionable utility, connected with the administration of the schools, have not escaped observation, and it may be a matter of economic consideration to determine whether County Superintendents form any necessary part of the system; whether the duties performed by them are not more ornamental and expensive than useful, and whether the same services, almost without expense, ought not to be imposed on some other officer. These offices cost the people annually forty-three thousand six hundred and twenty-two dollars. Should it prove, on examination, that the office is to a degree a sinecure, its abolition would greatly strengthen the fund that should be sacredly dedicated to the education of the growing youth. Keeping always in remembrance the vast sum that is now needed, and the much greater sum that will soon be required to keep in successful operation this grand institution, and remembering that the greatest economy should be observed, and that waste here is no more defensible than elsewhere, when dealing with the public funds, your committee are persuaded that unless radical changes are inaugurated in the system of granting teacher's certificates, it will prove too burdensome for the public purse. The standard for admission to teach in the primary schools is too high. The nature, quality and character of the examination is often unreasonable, if not absurd, and require a scale of proficiency wholly inapplicable to elementary instruction. The effect is to exclude from teaching, a great many persons of experience and capacity, and to prevent competition for places; creates a monopoly of the school-houses; maintains a high salary for the favored teachers; makes the system unnecessarily expensive, and rewards one class of industry, by unequal distribution, beyond all others. The spirit of selfishness which surrounds with difficulties an attempt to obtain a teacher's certificate, finds a counterpart in the exclusive privilege accorded the school-house to count a lunar, a calendar month. Your committee, fully impressed with the overshadowing importance of the school question, and the expediency of laying a foundation on which it may be maintained, and to relieve as far as possible the tax-payers, would recommend to the Legislature to petition Congress to relinquish to the State the public lands within its border, remaining unsold, to constitute a treasury, to be held forever inviolable for the support of schools, under the express condition, that any diversion of the funds should work a forfeiture to the General Government of the benefaction. From these lands, careful management, in time a large fund, reaching to twenty or thirty million dollars or twenty-five million dollars, might be realized which would leave the schools on a footing of great security; and

all time make their maintenance a tolerable burden to the tax-payers. It is believed that by proper representation, and the energetic intervention of our representatives at Washington, Congress may be induced to relinquish these lands, which would become a perpetual blessing to our people.

Your committee has refrained from offering any suggestions on the management and expense of maintaining the public institutions of the State for the reasons that special committees are assigned to that duty; but they cannot forbear the suggestion that, *population and wealth considered*, the State has undertaken too many public buildings, and erected them on a scale of too great grandeur and costliness; and now that, with one or two exceptions, there is an ample supply, the people, who for many weary years contributed liberally from their labor and resources for their construction, are entitled to exemption from further unnecessary burdens, and no more taxes should be collected for those purposes than may be necessary to maintain existing establishments in efficiency, or to make needed or unavoidable improvements.

Another occasion of great and unnecessary expense to the people is found in the number of elections held. Elections—national, State, county, municipal, and district—should, as far as may be, be held on the same day, and the adoption in practice of this plan would prove economy in time, outlay, and morals.

Your committee feels unwilling to close this report without advertising to an element of pernicious legislation, which for many years has held a footing in the State. While taxes are levied for the sole purpose of paying just and unavoidable governmental liabilities, at every session no inconsiderable portion of the funds accumulated in the treasury are diverted to purposes wholly foreign to the design of their levy, and which are or may be wasted on objects in which the tax-payers have no common interest, or to which their contributions ought not to be devoted. Individuals and combinations of individuals appeal biennially to our generosity for appropriations from the funds contributed by all the people of the State, for purposes which apply only to localities or some special enterprise, or for the benefit of a portion of the people, while another portion can derive no advantage whatever from such use of the public taxes. These petitions for the bounty of the State, although they appear under the guise of patriotism, public spirit, the encouragement of some great industry, the display of State prosperity, or of conferring untold benefits in prospective, upon the people, never would present these claims if their approval depended upon a submission to the vote of the tax-payers. To secure the public approbation under such a restriction would be hopelessly impossible; but with greater ingenuity and sagacity they assail the accumulated treasures, and unhappily too often succeed in bearing them away. If, then, no legislator would think of submitting to a vote of the people questions of this class, how can he justify the misappropriations of a fund raised and devoted to a special purpose? How can he justify himself in using the taxes in a way the people themselves would refuse to employ them? Under what authority, then, are the common funds applied to pay county indebtedness, or to foster local agricultural societies, or to build up grand stands, or applied in private charity, or to aid institutions not immediately the object of State supervision, or in their employment in any other way than to carry

on the government? To correct or abstain from this abuse of legislative discretion would have a salutary effect on the finances of the State, and would be no more than an act of justice to the tax-payers and a discharge of our duty as faithful stewards of the public funds.

Your committee believe that if the suggestions contained in this report should be made effectual by legislative intervention, its pledges for retrenchment would be in a measure redeemed. The effect would be to relieve the treasury at once from no inconsiderable expenditure, and if fortified by an early introduction and adoption of the general appropriation bill, which should be limited to purposes purely governmental, would enable the Legislature to realize in good faith the expectations of the tax-payers.

While the people clamor for reform they do not expect exemption from taxation; they demand a cheap and effective government; they expect official incumbents to be official workers; they oppose all needless and wasteful employment of the public funds, all useless offices, and unnecessarily high salaries. They demand honesty, economy, and fidelity from their representatives. To these things they are entitled. Pledges to that end have been given again and again. Upon their fulfillment the people mean to insist; nor is any party, nor any combination of men, or of interests, sufficiently strong to disregard them, and continue in the offices of the government.

All of which is respectfully submitted.

LAINE, Chairman.
O'CONNOR,
LINDSEY,
EVANS,
ANGNEY.

REPORTS

OF THE

JOINT COMMITTEES OF THE ASSEMBLY

ON

MINES AND MINING INTERESTS, AND AGRICULTURE,

RELATIVE TO THE

INJURY NOW BEING DONE TO LANDS AND STREAMS IN THIS STATE BY THE
DEPOSIT OF DETRITUS FROM THE GRAVEL MINES.

REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

Your committee, to whom was referred a proposed memorial and concurrent resolution of the Legislature of California to the Congress of the United States, and also, Assembly Bill No. 300, both relating to injuries now being done to lands and streams in the State, by the deposit of detritus, originally washed into the mountain valleys from the gravel mines of this State, has given the subject full consideration, and now submits the following report:

Agriculture and mining are, it is almost needless to observe, by far the most important industries in our State, and as this proposed legislation suggests the possibility of interfering with one of these great interests for the benefit of the other, it will be well to remark upon the conditions of mutual dependency which exist between them.

Agriculture was called into existence in California by the necessities of its mining population, and at the present time, although a considerable portion of our cereals are exported, the larger part of our farming products are consumed at home, and of the consumers of these products, the dwellers in the gold-mining counties, constituting nearly one-fifth of the entire population of the State, form no small fraction.

It is a well-known historical fact, that every country which has largely exported its cereals for many consecutive years, has, in the end, impoverished itself, and finally fallen into decay. As wheat is practically the only article which our farmers can export, with profit, to foreign countries, nothing but wheat has been sown upon many of our farms since they were first plowed. Should this planting of one staple be continued for many years to come, the result cannot be but most disastrous to our farming interests. Were a market created at home for the bulk of our agricultural products, this demand would necessitate the cultivation of very many articles of food, and would enable the farmer, by the proper rotation of crops, to preserve the fertility of his soil.

Any action by which mining will be fostered and extended, and the number of his neighboring consumers increased, will add to the

farmer's prosperity; and any action which may cripple this sister industry, and diminish the number of mouths that ask for food, will almost, in the same measure, bring disaster to the farmer.

On the other hand, the thorough cultivation of the soil, by cheapening the prices of food and supplies, adds much to the prosperity of the mines, and allows the development of many great mining schemes, which otherwise would be impracticable. Were agriculture abandoned, and the old prices of eighteen hundred and forty-nine restored, it is safe to say that it would not pay to work twenty mines in the State.

The relations between these two interests are so intimate, and the prosperity of one so essential to the prosperity of the other, that we regret to see any attempt made to show an apparent conflict between them.

The gold production of California, from eighteen hundred and forty-nine to December thirty-first, eighteen hundred and seventy-five, is generally estimated at one billion one hundred and forty-six millions of dollars, of which, probably, nine hundred millions of dollars has come directly or indirectly from the ancient gravel deposit of the State. By far the larger portion of the gold found in our shallow placers, which were worked with such vast returns from eighteen hundred and forty-nine to eighteen hundred and fifty-nine, came from these ancient gravel beds, and was deposited by the slow washing of running water, extending over a period of many centuries.

The gold was thus left in the beds of the mountain streams, ready for the pans and the cradles of our pioneer miners, while the huge masses of soil and gravel, which first contained the gold, were carried down into the lagoons and lakes of the low lands, and created the fertile plains of the Sacramento and San Joaquin.

After these shallow placers were exhausted our miners, imitating nature, began to wash away the remaining beds of gravel, which had escaped her erosive touch, and from an insignificant beginning, scarce twenty-five years ago, gravel mining has become by far the most important mining interest in the State, and is now bringing renewed wealth and prosperity to many of our once famous mountain counties, whose future, a few years since, seemed most precarious and uncertain.

There has been expended in cash, aside from the intrinsic value of the mines, in building canals, reservoirs, and tunnels, for the purpose of working these gravel channels, a sum of not less than one hundred and thirty millions of dollars, up to the present date. The yield from these mines for the year eighteen hundred and seventy-five, owing to the unfavorable water season, only amounted to about twelve millions of dollars; but, from the information placed before us, we think that their product will increase within the next five years to the sum of twenty millions of dollars per annum, and will continue to steadily increase for the next half century. Very many large hydraulic mining enterprises are now on the eve of becoming productive, and hence the foregoing estimates are not too sanguine. Great as has been the yield of gold in California's past history, we have a still larger store in reserve for ourselves, and for future generations. This annual product of twenty millions of dollars per annum will represent an enriching capital to the State, of fully two hundred millions of dollars, and will afford support directly to a busy population of one hundred and twenty thousand souls, and

indirectly assist the farming, manufacturing, and commercial communities of the State. In order to work the gravel mines during the dry season of the year their owners have constructed, in different portions of the State, a large number of reservoirs, which are filled with water during the winter floods, and exhausted, to supply the necessities of the mines, in the summer and autumnal months. Many large reservoirs, for this purpose, are now being constructed, which, when completed, will have a perceptible effect in diminishing the floods in our rivers in the winter, and in affording an increased supply for navigation in the summer.

We are credibly informed that the united storage capacity of these reservoirs will, within two years from this, amount to an increased stream, during the dry season, of fully seventy thousand miner's inches, being a flow of one thousand eight hundred cubic feet of water per second. Were this seventy thousand inches of water used for irrigation, it would be sufficient to bring into cultivation three hundred and fifty thousand acres of foot-hill lands.

If, from any cause, mining should cease, and the value of the mines and improvements upon them be extinguished, the mining counties would in turn be destroyed, and the entire taxable property in the State be most seriously diminished, thus increasing the ratio of taxation in other parts of the State, and largely adding to the burdens of all our people.

The material coming from the gravel mines, and which has been swept down by the mountain torrents into the valleys below, has done much damage to the farming lands in the bottoms of the Yuba and Bear Rivers, and incidentally to lands on the Feather and American Rivers; it has, also, filled up the bed of the Feather River, somewhat affecting its navigation.

Whether the Sacramento River has been injured is doubtful, and it will require careful instrumental measurements by competent engineers to determine the real facts.

The great flood of eighteen hundred and sixty-one-two, caused the first considerable amount of damage, and since then it has been increasing until at the present time perhaps thirty thousand acres of arable land have been covered with this detritus from the mines. The amount of damage in dollars, which has thus been done is not, in our judgment, more than three millions of dollars. Estimating the land at the high price of seventy dollars per acre, and admitting a most liberal estimate for the damage to the town of Marysville, and the cost of its levees, the total will not exceed the amount above stated. As, however, the beds of the Yuba and Bear Rivers increase in width, the future vertical increase in the height of their beds will be much diminished, although the amount of detritus coming from the mines may be greatly increased. This slow annual increase in height will allow the levees, protecting the adjoining districts, to be kept in repair at an annual cost which will not be prohibitive.

The deep mountain cañons where the tailings are first washed retain, and thus become the receptacle of much the larger portion of the deposit, and the amount of earthy matter carried down in suspension into the valleys becomes less and less, until at Sacramento, according to experiments made by Dr. T. M. Logan, the proportion by weight of earthy matter is to the water as one to one thousand. This would make by bulk about one to two thousand, and is less than is carried by many of the world's great rivers. Most of the sediment

transported by the Sacramento and San Joaquin Rivers is finally deposited on the mud flats in the lower Sacramento, and in Suisun and San Pablo Bays. Its entire amount, accepting Dr. Logan's experiment as to the Sacramento water as correct, would be represented by an annual deposit of one square mile filled eleven feet in depth.

The River Nile brings down, suspended in its waters, about twice as much earthy matter as the Sacramento, and nearly all of this, by a judicious system of irrigation, is deposited upon the fields of Egypt.

In historical times this has resulted in increasing the vertical height of the fields at Heliopolis, near Cairo, about sixty feet, and to the fertilizing properties of this annual deposit is altogether due the continued fertility of the Egyptian soil, which produces now as luxuriantly as it did in the days of Jacob. The experience of many of the mountain farmers who have used, for irrigation, water highly charged with mining sediment, has fully demonstrated its fertilizing properties, and already private corporations in Butte, Yuba, and El Dorado Counties, are commencing to acquire extensive tracts of land on the slopes of the mountains, which they propose to irrigate and fertilize with water which has been muddied by mining. The owners of these corporations confidently represent to us that the area of barren lands on the foot-hills which are now being reclaimed will soon exceed in acreage the amount of land in the valleys which has been injured by the mines. Were the coarser part of the tailings from the entire washings of our mines confined to the barren slopes of the mountain cañons, and to the valley lands which have already been covered, and the finer and enriching particles deposited upon the low lands on both sides of the Sacramento, just as has been done from time immemorial in the valley of the Nile, the result would be the building up by degrees of these lands, until they had reached a height where they could be easily protected from exceeding high waters, and in covering them with a soil of unexcelled fertility. The erosion, by running water, of the cañons in the western slope of the Sierra Nevada chain, has already filled these low lands to their present elevation, and this proposed measure is simply an imitation of nature, except that it is proposed in a few years to deposit an amount of soil which would require centuries of time, if natural causes alone obtained.

It has been found, by costly experience, that embankments built entirely of tule, for the protection of swamp lands from overflow, have, in nearly all cases, failed to answer the required purpose, and that where these lands have been successfully reclaimed, it is due to the fact that the protecting levees were built, in part at least, of soil washed from the mines. It seems to us, therefore, that some plan can be devised by engineering talent whereby the damage now being caused by our mines, can, in a great measure, be so controlled as to do but little more harm to our lands, rivers, and bays, and that the very material now inflicting this injury can be so placed that it will build up and reclaim to the State very many square miles of now unproductive territory.

These present and prospective benefits to the State at large, from hydraulic mining, do not, however, bring individual compensation or relief to the owners of the farms which are now being, and have been, covered with tailings, and it seems eminently proper and just that some action should be taken by the State and General Government, to investigate the damage which has been inflicted upon ind-

vidual interests, and also that some plan should be devised for their relief.

The General Government has conveyed, by its patents to our citizens, nearly all the more valuable gravel mines in the State, and has, by its laws, expressly authorized and encouraged gravel mining.

It has also sold to the farmer the land he occupies, and ought, therefore, to shield him with its protecting hand.

The production of gold is, at this period of our country's history, when we hope that it is on the eve of specie resumption, a question of surpassing importance, and especially at the present moment, when the rapid depreciation of silver threatens to demonetize that metal throughout the limits of the civilized world, and consequently to increase in an inverse ratio the demand for gold. Were the production of our gold mines stopped, it would be a physical impossibility for the General Government to resume specie payments within the time now confidently contemplated; and hence, any measure affecting even indirectly their production, becomes at once of national importance.

The debated question, whether our rivers and bays are being injured by these gravel washings, is also a matter in which the interests of the nation are at stake.

It is the opinion of your committee that, from these reasons, it will be proper to memorialize the Congress of the United States, asking that it appoint a commission of its engineers to investigate into the subjects touched upon in its report.

Your committee, therefore, advise that the memorial, and bill submitted to them for reference be not passed, but instead thereof, the accompanying substitute: Memorial to the Congress of the United States.

T. C. BIRNEY,
T. P. BLUE,
J. M. BRICELAND,
THOS. DUNLAP,
W. M. CRUTCHER,
M. GRISWOLD,
JOHN KOUTZ.

REPORT OF THE COMMITTEE ON AGRICULTURE.

MR. SPEAKER: Your committee, consisting of the Joint Committees on Mines and Mining Interest and Agriculture, to whom was referred Assembly Concurrent Resolution No. 17, relative to hydraulic mining, have for a long time had the same under consideration, with the view of framing a substitute which would be acceptable to the whole committee. Our efforts have been futile; consequently, a portion of your committee, whose names are hereunto attached to this report, after mature deliberation, beg leave to offer this accompanying substitute for Assembly Concurrent Resolution No. 17, hoping it will be adopted by this House.

We find that, while in years past mining was the paramount industry—almost the only one of our State—that the gold hidden in our mountains and along our streams was the only inducement to those who came here in early years, that it thus was enabled and allowed to overshadow all other industries; to take within its grasp the rights pertaining to the tiller of the soil, until it became a maxim “that no farmer or horticulturist had any rights which the miner was bound to respect.”

This feeling largely influences our feelings even now, and permits the miner to wash down the hills and mountain sides, and deposit the tailings, sand, gravel, and debris on the valley lands below.

It is a principal of law, “that no man, or body of men, have a right to follow any calling which inflicts damage or wrong on other men;” yet this has been done for years, and, notwithstanding their immunity from damages, which this industry has inflicted on others, we find the production of gold steadily on the decline.

Your committee find, from evidence adduced, that the valleys of the American, Bear, Yuba, and Feather Rivers, commenced to be injured by the detritus from the hydraulic mines about the year eighteen hundred and sixty-two. That the owners of lands in the river bottoms, did, for a series of years, and at very great expense, hold the increasing debris in check by levees, until the spaces between them became filled up; the water would then break through, carrying sand, gravel, and mud upon the lands adjacent, thereby destroying their fertility, and rendering lands once the richest in the State, unproductive and valueless.

This system has continued until nearly all the valuable bottom lands of these rivers have been utterly ruined, and where once stood

fine mansions, pleasant homes, rich orchards, and fields smiling with golden grain, is now to be seen only barrenness and desolation.

We find that the lands so destroyed were worth many millions of dollars, that their ability to return a revenue to the State has ceased. This is not all; the destruction, we fear, is but commencing, for hydraulic mining is but in its infancy; science, and appliances now brought to bear, enable the miners to literally move the mountains into the valleys, and so rapidly that only the costly levees built and maintained on the west bank of the Feather River now prevent a large and fertile territory from being destroyed. This deposit from the mines is increasing at so rapid a rate that the levee system is becoming almost unavailing, rendering it impossible to preserve for agriculture a territory whose annual production equals, or exceeds, the gold product of the adjacent hydraulic mines. This, if nothing be done to avert it, will be irrevocably lost to its owners and the State, thus impairing its revenue, lessening its productiveness and deterring immigration. Nor is it merely in destroying our valley lands, that the present system of hydraulic mining is destructive. The beautiful City of Marysville, fifteen years ago the third city of the State in population and wealth, is from this cause reduced to its present grade among the cities of the State. Having the best natural situation of any of our interior cities, at the confluence of two navigable streams, sitting on a plateau once rising twenty or more feet above the beds of the streams flowing at her feet, and surrounded by extensive and highly fertile territory, she once bid fair to become the chief inland city of our State. But the mountains began moving down upon her, filling the beds of crystal streams, until now the rivers, above which she proudly sat, are menacing the lives as well as the property of her citizens. A year ago she was inundated, and near a million dollars worth of property destroyed. At a cost of many thousands of dollars a new levee has been built, but the turbid streams already threaten its existence.

When first this destroying process began, the lighter material only reached so far down as Marysville. Soon, however, followed the sand and heavier detritus, and now the fertile lands that girded her about are submerged beneath deep deposits of sand and gravel that is wholly unproductive. We find that the present system destroys by a double process, first by covering the alluvial lands of the valley with the debris from the mountains; and, secondly, by stripping the hills and mountains of their trees and all vegetation, and in removing the soil, and leaving but the bare rock, prevents all productiveness in the future, leaving an unsightly desert. The effect this may have upon our climate for evil is yet to be determined, but can scarcely be estimated from any data your committee have at hand.

During this period, while the mining interest has steadily declined—while the annual gold product has fallen from more than sixty million dollars to about seventeen millions—the agricultural interest has as steadily and rapidly increased, until now, its products exceed in value the gold product of the most productive year. It is on agriculture, and its kindred pursuits, that the wealth and strength of states and nations are founded; it is our great reliance in the future. Shall this great industry be fostered and protected in its just rights, or shall it be injured and destroyed? This is the question we are called upon to solve—this diversity of interests to harmonize in accordance with the eternal principles of justice and right. It is not

the part of true statesmanship to turn aside and ignore the existence of a great evil, because great difficulties interpose, but to grapple with the subject, study it in all its bearings, and labor with it, until, if not eradicated, the evil may be mitigated. For every wrong there is a remedy, and it is our duty as legislators to seek for the means, and earnestly endeavor to lessen this our evil, of which so many of our people justly complain.

Evidence has been adduced, and no attempt has been made to controvert it, that in the valleys of the Yuba, Bear, Sacramento, American, Feather, and other smaller valleys, many thousands of acres of land of the most valuable kind, and improvements on the same worth millions of dollars, have been totally destroyed. Your committee find, also, that the property yet uninjured adjacent to these ruined and desolate districts has depreciated materially in value, it being evident that in the near future, if this process of destruction continues, the surrounding country must all be overspread and ruined.

It is not only the lands bordering on the smaller streams that are threatened, another and to many minds a more serious evil is impending—the filling up of our navigable streams, unfitting them for the purposes of transportation, depriving us of the great natural highways for cheap freights; the gradual filling of our magnificent bays, where the navies of the world may ride in safety; and the inevitable shoaling of the entrance to the Harbor and Bay of San Francisco—the gateway for all our products—our chief means of communicating with the world. We find that some of our rivers, at the point of debouchure from the mountains, have been raised above their natural beds from seventy to one hundred feet. This altitude is gradually decreased the farther down the rivers we go, giving greater fall; the velocity thus acquired gives the water the power to force the heavier material farther down, and shortly we shall see the advancing columns of coarse gravel and heavy detritus carried into the bay. Hitherto the lighter particles only have reached the tide-water, yet the quantity is so great that it is estimated by one of our most accomplished engineers (William Arnold) to be sufficient to cover, in one year, one square mile to the depth of forty-one feet; or to fill Suisun Bay to the line of low-water in the period of fifteen and one-half years, and San Pablo Bay to the same line in thirty-one and a quarter years. But the volume is rapidly increasing, and the work of destruction correspondingly so, in a geometrical ratio; hence we may expect to see the bays mentioned filled within a much shorter period of time. Viewed from this standpoint, this subject certainly deserves the serious attention of the Federal Government. If we had the process of Nature alone to contend with, we could trust to keep the Sacramento River within its banks, and to preserve a commodious channel, and the smaller streams would seldom escape their natural banks; but, against this system of mining, we can have no safeguard, scarcely a stream, natural outlet, or escape-way but is filled flush with its banks, and no system of levees or embankments will suffice to protect those surrounding lands from destruction.

The gravity of this question has already attracted the attention of thinking men—the press of our State, echoing the voice of the people, is demanding that it receive careful consideration; and it behooves us to face it boldly, handle it carefully, and, without injuring any interest, seek a solution.

It is, perhaps, well for us to consider that the lands destroyed by mining would be valuable for ages yet to come, and that the people engaged in agriculture, instead of destroying, are steadily enhancing the value of their lands; that they build permanent homes and add continuously to the productiveness, wealth, and revenues of the State, and that wise statesmanship demands that a permanent industry shall not be injured.

Can this be done without seriously crippling the mining interest? In the opinion of many, whose opinions are entitled to great weight, it is quite possible so to regulate the one that it will not injure the other, and, without seriously lessening the profits accruing, but making both these great interests mutually beneficial, that this can be accomplished by precipitating the heavier portions of the tailings before the waters leave the foot-hills, leaving nothing but the lighter material to be carried to the valleys below. From the testimony collected your committee is forced to the conclusion that this may prove the true method of solving this great problem of what to do with the detritus from the mountains, and how to preserve our valleys, cities, and towns from the destruction impending.

Your committee is not prepared to advocate any plan, believing that sufficient data has not been collected, but enough is known of the amount of damages already inflicted—the situation of our Capital City and State House being menaced—impels us to urge upon Congress the necessity of doing something for our relief.

In this report we do not wish to urge any matter that will lead to heated discussion or provoke debate; we desire simply to place before the members of this House, in the most concise form commensurate with the magnitude of the subject, and the importance of the interest involved, which an examination has led us to.

Nothing in this memorial and resolutions to Congress, in our opinion, can in any way be so construed as to interfere with the rights of any. Our main and only object we have in view is, so to word them that they will have the desired effect of impressing upon Congress the magnitude of our impending danger, that relief may be obtained.

We have had also under consideration Assembly Bill No. 300—An Act establishing a Commission relative to hydraulic mining, and the damage resulting therefrom—for which we beg leave to offer a substitute, for the same reason we assign for the necessity of passing the substitute we have offered for Assembly Concurrent Resolution No. 17, with the recommendation that it pass.

F. LAMBOURN,
J. WATKINS,
H. A. CARTER,
E. S. RUGGLES,
D. A. OSTROM,
MARION BIGGS, JR.

BIENNIAL REPORT

OF THE

BOARD OF DIRECTORS

OF THE

NAPA STATE ASYLUM FOR THE INSANE,

FOR THE YEARS 1874 AND 1875.

REPORT.

NAPA STATE ASYLUM FOR THE INSANE. }
NAPA CITY, November 18th, 1875. }

To His Excellency,
ROMUALDO PACHECO,
Governor of California:

DEAR SIR: Herewith I beg to hand you a report from the Board of Directors of the Napa State Asylum for the Insane, with reports from the Medical Superintendent, Dr. E. Bentley, and the Treasurer, W. C. Watson, attached. The architects, Messrs. Wright & Sanders, have been unable to complete their report in time to transmit it with these, but state that it will be in readiness and on file in time to present to the Legislature when it convenes.

I have the honor to be, very respectfully,

Your obedient servant,

W. C. WATSON,
Secretary of the Board.

DIRECTORS' REPORT.

To His Excellency,
ROMUALDO PACHECO,
Governor of California:

In compliance with the terms of an Act of the Legislature, approved March twenty-seventh, eighteen hundred and seventy-two, to provide further accommodation for the insane of this State, the Board of Directors of the Napa State Asylum for the Insane herewith submit their biennial report, showing their receipts and expenditures on account of the construction of the building, the general condition of the asylum, and such other matters touching the general affairs of the same as they deem of interest or importance.

Since the commencement of the construction of the buildings there has been received from the State Controller, in warrants on the State Treasurer, the sum of eight hundred and twenty-eight thousand five hundred and seventy-one dollars and ninety cents, of which sum six hundred and eighty-three thousand five hundred and seventy-one dollars and fifty-two cents have been expended in constructing the buildings, obtaining and supplying water, and in furnishing and outfitting that portion of the building already completed; and there now remains in the treasury a balance in warrants of one hundred and forty-five thousand dollars and thirty-eight cents in coin. In the amount of expenditures is not included the sum of twelve thousand four hundred and seventy-five dollars and eighty cents, expended in the purchase of the land upon which the asylum is located. The items of receipts and expenditures in detail will appear from the report of the Secretary and Treasurer of the Board, which is herewith submitted.

The entire walls of the building have been completed, excepting a small portion of the central tower, and that will be completed in a short time. The north wing of the building is finished, furnished, and in a complete state for the reception of patients. A large portion of the south wing is also finished, and ready for furnishing and occupation so soon as there shall be demand for its use. The central portion of the building is yet in an incomplete state. It is, however, under contract, and will be finished at an early day. That portion of the building already finished is supplied with all modern appliances calculated to conduce to the comfort and well-being of the

unfortunates designed to be its inmates. The general arrangement of the whole building is upon the best plan that experience could suggest or science approve. The erection and construction of the building, as well as the furnishing of materials therefor, and the furnishing of the completed portion, have been done under contract, and under the personal supervision of a careful and competent architect; and we feel safe in saying that for beauty of design and finish, for comfort and convenience, for the thoroughness of the work and quality of materials used, for strength and durability of this building is not surpassed by any other in the Union that is used or designed for a similar purpose. All the contracts were taken at low rates, and some were so low that the contractors lost money thereby. The most prudent and economical could not desire more favorable contracts. The details of the progress of the building will more fully appear from the report of the supervising architects, which is herewith transmitted.

The north wing of the building was completed, furnished, and ready for the reception of inmates on the ninth day of November, eighteen hundred and seventy-five; and notice to that effect was duly given the several County Judges of this State, as well as the Probate Judge of the City and County of San Francisco. This wing will accommodate about one hundred and thirty patients.

On the fifteenth day of October, eighteen hundred and seventy-four, the Board of Directors duly elected Dr. Edward Bentley, of San Francisco, a gentleman of large experience in medical insanity, to the office of Medical Superintendent of the asylum. He has entered upon the discharge of his duties, but his salary only dates from the occupation of the building. His report is, also, herewith transmitted. Respectfully submitted.

NAPA, November 18th, 1875.

ABNER DOBLE,
R. H. STERLING,
JAS. H. GOODMAN,
C. HARTSON,
J. H. JEWETT.

MEDICAL SUPERINTENDENT'S REPORT.

To the Honorable Board of Directors of the Napa State Asylum for the Insane:

GENTLEMEN: Since my acceptance of the position of Medical Superintendent of the Napa State Asylum for the Insane, an honor conferred upon me by you, I have devoted myself with most earnest zeal to the best interests of the institution. To this end I have made myself familiar with all the details of the building and its mechanical appliances. This has been more perfectly accomplished by the kindly assistance of the gentlemanly architects (Messrs. Wright & Sanders), who were ever ready and willing to explain, and by close observation of the skeleton walls as they have risen from the basement to the roofs, to the now perfect completion of two sections. It is plain to see that a degree of information has been obtained of the greatest advantage in the future organization and supervision of the institution. The many improvements that have been harmoniously blended in the construction of this extensive charity is a marvel to the most experienced.

Among the many visitors who have favored me with their counsel, I need only mention two or three distinguished in the specialty—Dr. A. M. Shew, of Connecticut; Dr. N. F. Carrel, of Illinois, and Dr. W. M. Manning, of New South Wales—who spent considerable time with us, and to whom I owe the highest consideration of respect for their cordiality and confidence. The latter, for a long time in the British service as Inspector of Hospitals and Asylums, was charmed with the system of heating and ventilation which you have adopted, and expressed himself as having seen nothing to compare with it in Europe, where he had been travelling the last nine months on a special tour of inspection.

The culinary arrangements are as perfect and complete as can well be imagined, and although the asylum is embraced by a circumference of nearly a mile, by a simple device in the architectural arrangement the food is received warm at the patient's table. That modern improvement, the elevator, at once a health-preserving and labor-saving invention, from the advantageous arrangement of the edifice, will be remarkably useful in numberless ways.

The bedsteads you have adopted are a model of durability, comfort, safety, and economy.

The electrical apparatus selected consists of a system of electric clocks (one in each ward), regulated by a controlling clock in the main tower, which is guaranteed not to vary over one second a month, and the "Automatic Printer," by which a printed message can be almost instantly sent from the Superintendent's office to each or all of the wards, and if necessary, to Napa City, in the event of danger or alarm of fire. To say nothing of its usefulness in the precision and dispatch of business over this extensive labyrinth, this is an achievement, so far as I can ascertain, not excelled in any institution in this or any other country.

The wise disposition which has been provided for the deceased, where they may be viewed or received by their friends, bespeaks the dearest regard for our mortality, and the highest culture of a christian people. In addition, I beg leave to recommend that suitable ground for a cemetery be procured, so that, in anticipation of the needs of the asylum, the necessity for removal or disinterment may be avoided, and the scenery around may not be clouded by a burial ground.

The large court connected with the north wing, surrounded by a brick wall, for the ventilation and recreation of patients—and which it is proposed to call the "Moss Court"—has been graded, a portion of the shrubbery and plants received, and it is hoped that the walks and fountain will soon be completed.

The work of grading the ground in front of the finished sections of the building is being prosecuted as rapidly as possible, and the necessary outlay to complete the grounds, in accordance with the original design, will be urged and recommended by the architects.

The water supply to the asylum, which was originally believed to be of the most ample character and secured in the most perfect way, gave great apprehension during the dry season, and admonished us of the great necessity for a large reserve reservoir. The subject commands itself to special attention, so that suitable measures may be taken to secure a supply adequate not only to the ordinary uses of the asylum, but a sufficiency in the emergency of fire, with a liberal surplus for the useful and necessary purposes of irrigation.

The furniture purchased for the section completed (sufficient for one hundred patients) has been carefully selected for its economy, durability, and adaptation to the purposes for which it is intended; this is but a small part of the furniture required for the whole building, and I would earnestly call your attention to the necessity of the Legislature making a suitable appropriation for the complete furnishing of the asylum; also, an appropriation for the maintenance of the asylum commands itself to your attention, and no doubt will receive due consideration at the coming session of the Legislature.

With the work so far advanced, we feel cheerful in being ready to begin the great work which is the end and object of this magnificent charity, and with a sincere trust in the omnipotence of an All-wise Benefactor, and an unswerving devotion to the alleviation of the suffering and frailties of weak and afflicted humanity, the highest energies of my nature will be engaged to so far discharge the duties incumbent upon me, that its warmest friends, in their deepest sympathies, may not be disappointed.

EDWIN BENTLEY,
Medical Superintendent.

ARCHITECTS' REPORT.

SAN FRANCISCO, November 16th, 1875.

To the Honorable Board of Directors of the Napa State Asylum for the Insane:

GENTLEMEN: The following report on the progress and present condition of the work of the new State Asylum for the Insane at Napa, is herewith respectfully submitted.

In the winter of eighteen hundred and seventy-three and eighteen hundred and seventy-four the foundation of the new building was brought to completion, as per report at that time submitted.

Tenders were obtained for the brick work, stone work, and carpenter's and joiner's work for the entire building; which tenders, together with estimates for the whole of the remaining work, were duly submitted to the last Legislature.

In accordance with the instructions of your honorable Board, contracts were subsequently made with Mr. R. Ewing, for the brick work, with the Frear Stone Company for stone work, and with Mr. E. L. Mayberry for the carpenter's and joiner's work, those gentlemen having respectively presented the lowest tenders in their several departments.

In consequence of the rise in the price of materials which afterwards took place, all the rest of the contracts were let at an advance on the original estimate.

BRICK WORK.

The contract for brick work has been carried out by Mr. Ewing in a very satisfactory manner, the whole of that department included in his contract having been completed, with the exception of the main central tower, which, however, is rapidly approaching completion.

Two additional tunnels, and a somewhat different arrangement of the boiler house and other outbuildings (rendered necessary on account of the requirements of the steam-heating apparatus), involved some additional brick work, which has been executed under the contract of schedule rates.

The laundry offices were also somewhat enlarged, and the boundary walls of the court-yard of the northern or male wing were built in order to prepare the same for the reception of patients at an early day. The walls for the inclosure of the court-yards of the southern wing are not yet built.

The lodge gates and gardener's house, with farm buildings and boundary walls inclosing the asylum property, are still unbuilt, pending a further appropriation from the Legislature.

The gardener's house and farm buildings may be constructed of brick manufactured on the ground; the boundary walls, however, can be more economically built of stone now on the asylum property. In reference to the latter it is to be noted that Mr. J. J. Cochrane, in quarrying the stone for the foundations, in consequence of the difficulty of procuring materials of the quality demanded by the specifications, was obliged to get out a much greater quantity of stone than was needed in the work, which now remains on his hands. We therefore respectfully recommend the purchase of this stone, not only as a good investment, but almost as an act of justice to Mr. Cochrane, who spared neither labor nor expense in faithfully fulfilling his contract.

BRICKS.

At an early period it was discovered that soil suitable for brick-making was procurable on the site; upon trial this was found to be of a very superior quality, so that it may be said without fear of contradiction, that the bricks of which the asylum is built are the best in the country. Most of the pressed brick has also been manufactured on the ground, and is of excellent quality.

The water on the site, and saving in hauling, combined to greatly cheapen these two essentials in the construction of the building.

This observation also applies to the hoisting of materials and the manufacture of the artificial stone, which was all made on the ground.

FREAR STONE.

This material has been largely used in the fronts of the building, in arches, shafts of columns, string courses and white brick; also in the construction of the front porch, and the staircases in wards throughout. The whole has been produced by the Frear Stone Company, who have spared no pains in carrying out their contract in a satisfactory manner, no failure of any kind having as yet occurred.

This material was also procured at a very reduced rate compared with natural stone. The latter material, however, was found most available for the caps of columns and parts reserved for carving; a saving of labor as well as enhanced effect being obtained thereby.

The execution of this portion of the work has been energetically pushed forward, the main entrance porch being the only part in this respect still unfinished.

GRANITE STEPS.

A contract was also made for granite steps to the main entrance porch, ward porches, and other entrances front and rear, and considerable progress has been made towards their completion.

Contracts for lime and cement were also made at increased rates. Great advantages, however, were secured by the segregation of these materials, in the superior quality thus obtained, and better workmanship throughout. San Francisco North Beach sand was provided by the contractor, and is the best for the purpose procurable in the State.

THE CARPENTER'S AND JOINER'S WORK.

Mr. E. L. Mayberry, to whom the contract for carpenter's and joiner's work was awarded, has also made considerable progress; the northern wing, comprising section number two, as far as the main central wards, has been finished and is now occupied by patients, and the south wing is fast approaching completion.

The main wards, central building, and chapel, are still unfinished, awaiting the arrival of slate. The laundry building is in a forward condition, but the boiler house, dead house, and carpenter's shop, are not yet under roof.

All the towers, except the main central tower, are under roof, and nearly finished. Few changes of any moment have been made in this contract, additions and deductions for the most part balancing each other.

TINSMITH'S WORK.

The contract for galvanized iron work was let to Mr. James Hunter, and has been executed in a satisfactory manner.

It is to be noted, in connection with this contract, that corrugated galvanized iron ventilating ridges have been adopted, and has made it possible to dispense with the ventilation turrets and galvanized iron pipes which were first proposed, and which have been found inadequate in Eastern States for effective ventilation.

SLATING.

The slates for the roofs throughout have been procured from the Eastern States, and of fair quality. A second consignment, however, being three months behind the time at which they were expected to arrive, it was suggested to the Board to cover the roofs of the main central wards, and some other portions, with asphalt sheeting, as a protection from the weather, and to admit of continued progress with the work under contract in that part of the building.

The slating work was intrusted to Mr. George Mothersole, and has been so far executed in a most satisfactory manner.

PLUMBING AND GASFITTING.

This contract was awarded to Mr. Wilson of San Francisco, the latest improvements of every kind, including ventilation of traps by exhaust pipes; galvanized iron sinks and washstands, and marble-lined urinals, etc., having been provided. The whole of the workmanship and appliances are of the best quality. Gas-pipes have been laid throughout the building, and proposals were received for the construction of gas apparatus. It was, however, deemed best by your honorable Board to obtain gas from the gas works of Napa City.

PLASTERING.

This contract was awarded to Messrs. Cox & Warren, and considerable progress has been made with the work; the north and south wings and the kitchen wing and rear laundry buildings, are nearly complete, the principal portion yet remaining unfinished being the main central wards, and central building not yet slated.

THE PAINTING AND GLAZING

Was awarded to Messrs. Noble & Gallagher of San Francisco. The work has been rapidly pushed forward, and is, so far, satisfactory in every respect.

HEATING AND VENTILATION.

This most important department has been a subject for the most serious consideration. Temperate as is our climate, and free from extremes of either heat or cold, it would seem that the peculiar physical condition of many patients suffering from mental disease renders them extremely sensitive to even slight changes of temperature; and it would, also, seem that such is the nature of the human organism, that the less variation there is in surrounding influences, the more delicate and sensitive to those variations the organism becomes; under these circumstances it was deemed highly expedient to select the most complete and effective apparatus that could be found, consistent with due economy in cost and construction. In pursuance of these objects your honorable Board decided that some duly qualified person should visit the Eastern States, for the purpose of examining and reporting on the various kinds of apparatus in use in the different insane asylums, and other public buildings throughout the country. Our Mr. Wright was eventually intrusted with this mission, and after examining all the principal buildings and the best heating apparatus in most of the large Eastern cities, duly reported on his return in favor of the apparatus produced by the three firms of Messrs. Goreman & Co., Philadelphia, Wood & Co., the same place, and Baker, Smith & Co., of New York, obtaining estimates and proposals from them, as well as from several other firms in various parts of the country. The lowest reliable estimate, as well as in every respect the best and most successful apparatus, compared with its cost, was that produced by Messrs. Baker, Smith & Co., founded on indirect radiation and low down ventilation, the principal which has proved to be, in every way, the most scientifically correct and practically successful method of heating and ventilating, as yet known. Accordingly, a contract was entered into with this firm, and great progress has been made with the work, the north wing being complete, the boilers in position, and the rest of the work well in hand. The acknowledged defectiveness of the kind of apparatus in use at Stockton, the superior economy in working and fuel, and the completeness and efficiency of the Messrs. Baker, Smith & Co.'s apparatus, manufactured expressly for asylums, and combining the latest improvements in safety boilers, radiators and ventilating apparatus, bath-heaters and pipe connections throughout, as shown by the numerous large buildings successfully heated and ventilated by this means in the Eastern States, and

importance of intrusting this most vital essential in the new building to a firm of acknowledged reputation and responsibility, induced your honorable Board to make this contract, and at a cost considerably exceeding the original estimate, which was based on similar apparatus to that used at Stockton. The numerous failures, attended by many thousands of dollars of unnecessary but unavoidable expense in altering and replacing unsuccessful heating apparatus, brought to Mr. Wright's attention during his visit to the East, prove conclusively the wisdom of selecting, once and for all, the best apparatus that could be procured for the purpose.

ELECTRIC TELEGRAPH BELLS AND CLOCKS.

The efficient management of so large an establishment, and thorough supervision and discipline of a population so heterogeneous, excitable, and irresponsible, as that contained in an asylum for the insane, renders it necessary that every facility should be afforded for the easy and rapid communication of the Superintendent and subordinates, without attracting the attention of the patients. Electric bells and telegraph, now introduced into the best Eastern asylums, afford this facility, and together with electric clocks, regulated by the central clock in the main tower, rendering exact timing and thorough control of the whole establishment, within and without, a matter of the greatest ease, was wisely considered by your honorable Board too great an advantage to forego, and has been accordingly adopted in the new building at Napa. Communication with the wires of the Western Union Telegraph Company is also provided for.

ELEVATORS, ETC.

Hydraulic service lifts and sidewalk elevators have been arranged throughout the building, in the service rooms attached to dining rooms, pantries, kitchen, steward's store, bakery, laundry, and dead house, and connected with railways, in basement and tunnels throughout. A passenger elevator, for the accommodation of visitors and attendants, will also be placed near the main entrance, leading from the basement to the attic story of the main central portion, thus communicating with every level of the building. The elevators are to be worked by water alone. An abundant supply of this indispensable requisite in the efficient working, health, and absolute safety of the whole establishment becomes therefore a paramount necessity; the present basin and four-inch supply pipe connecting the same with the building, though hitherto answering admirably for the purposes for which it was intended, will no longer be sufficient for the proper supply of the building.

We respectfully suggest that immediate measures be taken to secure an early appropriation for this especial object from the Legislative Assembly soon to convene.

It is absolutely necessary, to obtain an abundant supply of pure water sufficient to last over the dry season, at a time of the greatest drought, that a reservoir be provided containing at least fifty gallons per day for each inmate of the building for twelve months—twelve million and seventy-five thousand—say thirteen million gallons. This reservoir can be constructed at the upper part of the cañon containing the present basin, at comparatively light expense. A wier,

filter, and covered tank, would also be needed, with a six-inch supply main to the asylum, in addition to the present four-inch main, which would still remain as a side service in case of repairs being needed to the main supply, as well as for irrigating the grounds, fountains, etc., without interfering with the pressure in main pipes. Large compressive cylinders would then be needed, with proper sediment valves complete, for distributing and equalizing the pressure. Fire mains and hose hydrants should then be distributed round the buildings at short intervals. By the above means entire safety from fire, and abundance of water of good quality for the use of the building, the working of elevators or even machinery (when steam would not be needed for heating), and for irrigation of the grounds and gardens, would be obtained.

The laying out of the ornamental grounds in the vicinity of the building, the planting of shade trees, and the proper arrangement of roads and approaches, is a matter of importance demanding the earnest and immediate attention of your honorable Board.

CONTRACTS COMPLETED AT THE NAPA STATE ASYLUM FOR THE INSANE.

John Cochrane's contract for building basement story complete	\$81,900 14
3,000 barrels of lime @ \$1 85 per barrel	5,550 00
3,000 barrels of cement @ \$3 30 per barrel	9,900 00
Cox & Colby's contract for 12,022,168 brick @ \$9 87 1/2	118,718 79
Cox & Colby's contract for 688,673 pressed brick @ \$29 87 1/2	20,574 10
Knapp's contract for 10,555 barrels of lime @ \$2 85	30,081 75
Knapp's contract for 7,615 barrels of cement @ \$2 93	22,311 95
Ewing's contract for brick work	141,385 00
Conlin & Roberts' contract for galvanized iron cornice and tinsmith's work	4,216 36
	\$434,638 09

ESTIMATES FOR WORK UNDER CONTRACT AND OTHER WORK NOT YET CONTRACTED FOR.

Frear Stone Company's contract for natural and artificial stone	\$63,000 00
E. L. Mayberry's contract for carpenter's and joiner's work	166,943 00
Cast and wrought iron work	25,000 00
W. F. Wilson & Co.'s contract for plumber's and gas-fitter's work	32,000 00
Cox & Warren's contract for plasterer's work	24,800 00
Noble & Gallagher's contract for painter's and glazier's work	27,022 25
Slate roof	20,000 00
James Hunter's contract for galvanized iron cornices and tinsmith's work	37,574 00
Door locks throughout the building	4,000 00
Pine and hardwood flooring	25,000 00
Carried forward	\$425,339 25

Brought forward	\$425,339 25
M. Bishop's contract for granite steps for outside doors, front and rear	7,485 00
Encaustic floor tiles for kitchen, laundry, lavatories, front vestibules, and fire proof towers and staircases	8,466 00
Sixty marble mantels	5,000 00
Contracts completed up to date	\$446,290 25
Total cost of building complete	\$434,636 09
	\$880,926 34

ESTIMATED COST OF GROUNDS AND FURNITURE.

Grading the grounds and building boundary walls around two court-yards of northern wing; also tunnel connecting the dead house with the main building, including lime, cement, sand, brick, and labor	\$30,643 00
Two exercising sheds in courts, with slate roofs and large gates in courts	4,000 00
Main brick sewer from building to ravine near county road, with cement drains connecting with ditto	18,248 00
Telegraph apparatus for each attendant's room, Superintendent's office, and electric clocks for each ward, including bell and clock for main tower	16,600 00
Wrought-iron range and cooking utensils for kitchen, complete	4,000 00
Wrought-iron bedsteads, dining-room tables, settees for corridors, etc., as per bill	7,101 80
Thirteen hydraulic elevators	20,000 00
Furniture for drug store	2,500 00
Steam heating apparatus for building, complete	36,000 00
Frear Stone Company, for walls and dead-lights	3,000 00
All of which is respectfully submitted.	\$142,092 80

WRIGHT & SANDERS,
Architects.

TREASURER'S REPORT.

NAPA STATE ASYLUM FOR THE INSANE,
NAPA CITY, November 1st, 1875.

To the Board of Directors of the Napa State Asylum for the Insane,
Napa, California:

GENTLEMEN: Herewith I beg to hand you a report of all moneys received and disbursed by me, as Treasurer of the Napa State Asylum for the Insane, from February seventh, eighteen hundred and seventy-three, to November first, eighteen hundred and seventy-five.

RECEIPTS.

1873.		
February 7	Received from the State Treasurer	\$15,000 00
February 7	By error in charging bill of J. A. Jackson & Co.	46 13
March 5	Received from the State Treasurer	13,491 80
May 9	Received from the State Treasurer	6,727 34
July 2	Received from the State Treasurer	15,000 00
August 7	Received from the State Treasurer	15,000 00
October 10	Received from the State Treasurer	15,000 00
October 14	Received from the State Treasurer	5,532 00
December 20	Received from the State Treasurer	4,596 80
1874.		
January 22	Received from the State Treasurer	15,000 00
February 6	Received from the State Treasurer	45,000 00
March 19	Received from the State Treasurer	30,000 00
May 6	Received from the State Treasurer	25,000 00
May 22	Received from the State Treasurer	15,000 00
July 27	Received from the State Treasurer	7,299 00
July 31	Sale of hay	60 00
August 28	Borrowed on warrants for \$45,000	40,000 00
September 26	Borrowed on warrants for \$30,000	27,000 00
October 14	Borrowed on warrants for \$15,000	14,000 00
November 5	Borrowed on warrants for \$45,000	30,000 00
	Amount carried forward	\$338,754 00

	Amount brought forward	\$338,754 04
November 13	Borrowed on warrants as above	10,000 00
December 5	Borrowed on warrants for \$15,000	14,000 00
December 23	Sale of hay	120 00
December 24	Borrowed on warrants for \$45,000	15,000 00
1875.		
January 11	Borrowed on warrants for \$15,000, and above	35,000 00
January 26	Borrowed on warrants for \$15,000	10,000 00
February 6	Borrowed on warrants as above	10,000 00
February 6	Received from the State Treasurer	75,000 00
February 17	Balance on warrants hypothecated	20,000 00
March 30	Sale of pasture	75 00
June 4	Borrowed on note of the Board of Directors	45,000 00
June 14	Received from the State Treasurer	923 99
July 24	Borrowed on warrants for \$75,000	70,000 00
August 6	Borrowed on warrants for \$105,000	65,000 00
August 17	Borrowed on warrants as above	20,000 00
		\$728,873 03
	Warrants on hand and hypothecated	\$145,000 00

DISBURSEMENTS.

Building account	\$28,416 75
Water account	15,748 13
Dr. J. F. Morse, Director	440 00
J. H. Goodman, Director	400 00
J. H. Jewett, Director	618 00
C. Hartson, Director	388 00
R. H. Sterling, Director	446 00
W. C. Watson, Secretary and Treasurer	1,450 00
N. R. Tucker, Clerk of the works	6,720 00
J. Cochrane, contractor	81,900 14
Cox & Colby, contractors	119,150 55
H. H. Knapp, contractor	60,499 02
Pacific Cement Company, contractors	10,091 40
Office expenses	599 80
Wright & Sanders, architects	27,304 25
Robert Ewing, contractor	117,550 00
E. L. Mayberry, contractor	88,301 70
Frear Stone Company, contractors	55,000 00
Goddard & Co., contractors	13,000 00
J. Kittredge, contractor	2,259 05
G. J. Mothersole, contractor	2,956 00
M. Fitzpatrick, contractor	298 90
Interest, discount, and exchange	5,359 72
Amount carried forward	\$638,897 41

Amount brought forward.....	\$638,897 41
Jas. Hunter & Co., contractors.....	18,101 75
A. W. Henning, contractor.....	334 50
L. Miller, Clerk.....	1,050 00
W. F. Wilson & Co., contractors.....	9,700 00
Conlin & Roberts, contractors.....	4,216 34
Cox & Warren, contractors.....	5,300 00
Note of the Directors.....	45,000 00
Noble & Gallagher, contractors.....	3,000 00
Richard Bishop, contractor.....	1,500 00
Furnishing account.....	1,657 63
T. M. Martin, engineer.....	105 00
Cash on hand.....	10 38
	<hr/>
	\$728,873 03

Warrants on hand and hypothecated..... \$145,000 00

Very respectfully yours,

W. C. WATSON,
Treasurer and Secretary.

MINORITY REPORT

OF THE

ASSEMBLY JUDICIARY COMMITTEE

ON

ASSEMBLY BILL NO. 236,

TO PROVIDE FOR CALLING A CONVENTION TO REVISE AND CHANGE THE
CONSTITUTION OF THIS STATE.

REPORT.

Mr. SPEAKER: The undersigned, a minority of your Committee on Judiciary, to which committee was referred Assembly Bill No. 236—An Act to provide for calling a convention—having considered the subject-matter involved with the care due to its importance, by leave of the Assembly now make their report.

The material part of the Constitution, section two, article ten, reads as follows: "And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention."

The Legislature at its last session passed an appropriate Act, making such recommendation to the electors at the (then) next election for members of the Legislature, which occasion is by statute called a general election.

More votes were cast for a convention than were cast against a convention; but the votes cast for a convention were not equal to a majority of all the votes cast on that occasion for Governor and other officers.

The bill under consideration provides for calling a convention, and the propriety of its passage depends entirely upon the decision of the question: does it appear that a majority of the electors voting at such election voted in favor of calling a convention?

Perhaps the strongest argument in favor of the negative is found in simply reading the Constitution and stating the question. We believe that the plain and obvious meaning of the Constitution is that a convention may be called only when it shall appear that a majority of the electors, who voted on that occasion, have voted for a convention. The majority is of the electors voting at that election, no matter for what, whether for officers or on any submitted question.

It is only when we tax our ingenuity and search for some other probable or possible meaning that the mind is at all thrown in doubt when dealing with the "written instrument agreed upon by the people of this State as the absolute rule of action and decision for all departments and officers of the Government, in respect to all points covered by it." If there be a meaning plainly expressed, we

are to accept it as the natural and ordinary meaning of the words, and not put upon the language any forced construction. We believe, however, that in this case the most searching analysis of the sentence in question, and the application of all the approved rules of construction in law and grammar, will only confirm the first impression and understanding of the meaning of the Constitution. "If it shall appear that a *majority of the electors voting at such election* have voted in favor of calling a convention." The understanding and application of this sentence determine our vote on this bill. The majority of the electors who voted at such election must have voted for a convention. If the majority of the votes cast for or against a convention was meant, how easy to have said so. The majority of votes is not the thing; the word *majority* does not apply to the votes; the majority is of the *electors* voting at the election—that is, if it appears that the number of votes for a convention is equal to a majority of all the electors who voted at the election. What election? There was but one in any proper sense—it was the general election, at which any number of officers might be voted for, and any number of propositions submitted and decided, and still it would be but one election. Does every office to be filled, and every proposition to be voted upon at an election, make a separate election? If so, there has been a strange confusion of ideas and wonderful misapplication of words, both by the Legislature and people. But if each office and proposition voted upon makes a separate election, the question then recurs, What election is meant? *At such election.* *Such* relates to something preceding, and is equivalent in meaning to the word *said*. What is that something? In the preceding part of the sentence the word is used once, and once only, and it is conceded by those who differ from us that there it means the *occasion* when members of the Legislature are elected—the general election. To discard the word "election," as used first in the sentence referred to by the word *such*, or to give the word in the second instance a different meaning from the first, we think would violate all rules of construction—would not be presuming that the words have been employed in their natural and ordinary sense, and that the resulting conclusion is forced and unnatural. We submit that the exigencies of the case do not require such interpretation.

It is argued by those that differ from us, that if the word "election," as used in the second instance, has the same meaning as in the first instance, it follows that the majority meant is of the electors voting for members of the Legislature. They say that the number of electors who voted for members of the Legislature is not ascertainable. This view they seek to enforce by stating that there may be no other voting authorized by law on that occasion. The argument is faulty in every particular. If the question *for or against* a convention is submitted at that election, that itself is added to the election of members, and, according to our construction, if more electors voted on that question than for members of the Legislature the majority is still of the electors voting, and not merely of the electors voting for members. Again, the number of electors who voted for members of the Legislature is easily ascertainable. It is done by counting the ballots cast in the various counties and adding the numbers. The returns to the Secretary of State may not show this, but the ballot in the counties will, and the defect in the returns, or in the law even, will not destroy the palpable meaning of a constitutional provision.

It is said further, that as the electors are to vote for or against a convention, why vote against if silence is deemed a vote? This is the only real point against our views in the entire discussion, but this is weak, and not at all controlling, when arrayed against the various arguments adverse to it; and upon close examination the difficulty is only apparent, not real. It is conceded that we must give every sentence, part of sentence, and word, in a law, some operation, if we can do so, but this rule must be consistent in application, and harmonize with other rules of construction. The real meaning of all the other words, viewed in the light of the context, being ascertained, one or two unnecessary words will not be given an operation so as to reverse the meaning of the balance of the sentence. It would be suicidal, in destroying a vital part by attempting to keep alive useless or immaterial words. Again, the words "*or against*" may, under our construction, have application, and possibly a controlling force. Thus, the *majority* is of the *electors*—that is, *persons entitled to vote*—who do at that *election*, that is, on that *occasion*, vote for or against any *person or thing*. If at such election there should be more votes cast "for or against a convention" than "for members of the Legislature," and the votes cast for a convention were more than half of the number of votes cast for members of the Legislature, or other officers to be elected, but not so many as were cast against a convention, the convention would not be called. Why? Not merely because there were more votes against than for a convention, but because it does not appear therefrom that a majority of the electors who voted at that election—that is, on that occasion—have voted in favor of calling a convention. If the alternative vote, "*against a convention*," had not been provided for, the convention might be called by a minority of electors wishing to vote, for electors might not desire to vote for officers and yet desire to vote against a convention, which, in such case, they could not do.

Hence we see, from this review, that upon a close and critical examination the supposed difficulties vanish, and we are left secure upon the plain, natural meaning of the words of the Constitution. In closing this report, we congratulate ourselves that our construction saves us from taking the grave and important step of calling a convention except when the people have affirmatively required it. The other construction may involve the alternative of calling a convention when only one elector has acted upon the *recommendation* of the Legislature.

Respectfully submitted,

ARCHER,
HARDING,
CARSON,
HARRIS.

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MAJORITY REPORT
OF THE
ASSEMBLY JUDICIARY COMMITTEE
ON
ASSEMBLY BILL NO. 236,
TO PROVIDE FOR CALLING A CONVENTION TO REVISE AND CHANGE THE
CONSTITUTION OF THIS STATE.

REPORT.

The undersigned, a majority of the Judiciary Committee, to which was referred the question, whether at the election held on the first day of September, one thousand eight hundred and seventy-five, a convention to amend and revise the Constitution was called by the votes of the electors, beg leave to report that they have given to the subject a careful and earnest examination, and arrived at the following conclusions:

Article X. of our Constitution makes provision: first, for the amendment of the Constitution, and secondly, for changing and revising it.

The first section provides that amendments may be made by the joint action of the people and the Legislature.

The second, however, provides for calling a convention to revise and change that instrument, by a vote of the people, to be given at an "election for members of the Legislature."

The language of the section is as follows:

"And, if at any time two-thirds of the Senate and Assembly shall think it necessary to *revise and change* this entire Constitution, they shall recommend to the electors, at the next election for *members of the Legislature, to vote FOR or AGAINST a convention*; and, if it shall appear that a majority of the electors voting at *such election* have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such a law," etc.

It is admitted by all, that of the votes cast "for or against a convention," a large majority were cast for a convention.

But, it is contended, that as the votes "for a convention" were not a majority of *all* the votes cast on that day, the measure failed to carry.

The House will remember that on the same day on which the election "for or against a convention" was held, other officers besides members of the Legislature were elected.

The number of votes cast for Governor, or other State officer, can be, and has been, accurately ascertained; but, we are informed, that the number of votes cast for members of the Legislature on that day neither has been, nor can be ascertained.

Premising thus much, we proceed as briefly as the case will permit, to inquire into the true construction to be placed on the language used.

The words "elect," and "election," have in modern usage several significations, and it becomes the duty of your committee to inquire in which of those the framers of our Constitution used them in the article referred to.

The verb "*elect*," in its primary meaning, signifies "to make a choice; to take one in preference to others;" and "*election*," "the act of making a choice; the act of taking one in preference to another."

By an easy and not unusual transition in the history of language, the word "*election*," which properly applies only to the act of choosing or selecting, has come to mean the time or occasion of making the choice.

In which of those senses is it used in the section under consideration?

In the first part of such section it is obviously used in its secondary or derivative sense, as denoting the time or occasion. "Next election for members of the Legislature" must necessarily refer to the day or time when the choice is made, and not the making of the choice.

The doubt arises upon the subsequent reference—to the "majority of electors voting at *such election*."

What election is here intended?

This may be answered in three separate ways, according to the point of view from which it is considered.

First, it may be said that "*such election*" refers to the election for members of the Legislature; secondly, that it merely relates to the time or occasion; and thirdly, that it refers to the election "for or against a convention," and to it alone.

The first of these assumptions, if the reference to "election for members of the Legislature" be taken in any sense but as fixing the time, is obviously absurd.

An "election for members of the Legislature" is for members of the Legislature, and nothing else, if we use the word in its primary sense.

The second position that "*such election*" merely designates the time or occasion when the majority of the electors, etc., voting, must express their sentiments "for or against a convention," is at least plausible, and many substantial reasons may be cited in its support. It has, too, the advantage of not changing the meaning of the word but of using it in the sense previously attached to it.

The sentence may then be paraphrased as follows: "They shall recommend to the electors, at the time (or on the day) upon which the next election for members, etc., to vote for or against a convention. And if it shall appear that a majority of the electors voting at such time (or on such day)," etc.

But, voting for what, at such time or on such day? For members of the Legislature? Certainly not; for voting for members of the Legislature of itself constitutes one election; that is, one making selection.

Voting "for or against a convention" constitutes another and distinct election or expression of a choice.

To say that a majority of electors voting, not upon that question but upon some other, will carry that question, is to involve the whole section in absurdity.

It is repugnant to all our ideas of the elective franchise to make

the success or failure of one measure depend upon the number or character of the votes which may be given for or against another.

If, therefore, "*such election*" refers to the time or occasion, we may read it as though the words "for or against a convention" were repeated after the word "*election*," so as to read, "a majority of electors voting at such time for or against a convention."

To us, however, it seems most probable that the words "*such election*" relate to the particular, specific, "making choice," or expression of preference "for or against a convention."

This is the most natural construction of the language, and besides it relieves us of all difficulty.

It is the one, also, that most nearly conforms to the analogies of our elective system, according to which every question submitted to the suffrages of the electoral body stands or falls by the vote given for or against itself, and not by that given for or against another proposition.

It is agreed, in opposition to this view, that the policy of the Constitution is conservative; that it is opposed to frequent and unnecessary revisions of the organic law, and hence that it has made the consent of a majority of the electoral body a condition precedent to calling a convention.

The premises upon which this reasoning rests may, without difficulty, be conceded, and yet the conclusion drawn by no means follows.

Unquestionably it was the intention of the framers of the Constitution to fix the election "for or against a convention" upon the day and occasion most likely to give an opportunity for a thorough expression of the popular sentiment. For this reason they chose the day of the election for members of the Legislature; justly deeming it well calculated to answer their views.

But further than this their intentions could not have extended. Having provided the people with an opportunity for expressing their wishes, they left the rest to the voters themselves.

If any considerable portion, if a majority even, of the latter see proper not to avail themselves of their privilege, it does not affect the result, provided a majority of those actually voting vote for a convention.

The contrary doctrine leads, as we have already partly shown, to numerous contradictions and absurdities.

For if "*such election*" refers not to the election "for or against a convention" but to some other, what other is intended?

The most natural answer which our opponents can make is, "the election for members of the Legislature" is intended.

But it is perfectly clear that we neither have ascertained nor can ascertain the number of votes cast for members of the Legislature.

If State officers are elected at the same time, as was the case at the late election, there is no difficulty in ascertaining the whole number of votes cast for them. For example, we know the number of votes cast at the recent election for Governor, as well as for other State officials.

But it will scarcely be pretended that we are to be guided by these votes in determining whether a convention has been called.

In the first place, the concurrence of a gubernatorial election, with the late election for members of the Legislature, was wholly accidental. In two years more, there will be an election for mem-

bers of the Legislature, without any for State officers. And there is nothing in the Constitution to prevent the submission of the question to the people at that election instead of one including State officers.

This is conclusive to show, that we are not at liberty to look to the vote for Governor, or other State officers, in order to determine whether the convention has carried.

We are restricted, then, to one of two modes; we must either confine ourselves to the vote given upon the question "for or against a convention" itself, or we must look to the vote given for members of the Legislature.

But we repeat, the number of votes cast at the late election is not officially known, and in all probability can never be ascertained.

Pluralities elect to both branches of that body, and we believe that every such election is complicated with an election for either State, county, or township officers.

While, therefore, it is possible for the Secretary of State to ascertain the whole number of votes cast at any given election, it is obviously impossible for him, under our system, to tell how many are for members of the Legislature.

Again, the Legislature consists of two branches, Senate and Assembly.

There may be a much greater number of votes cast for the members of one than for the members of the other. True, only one-half of the Senate is elected at each "election for members of the Legislature," but those twenty may receive in their several districts a much larger vote than the members of Assembly voted for in the same districts.

Then, which vote is to be taken—that for Senators, or that for Assemblymen? They are both *members of the Legislature*, and the election for them both is an "*election for members of the Legislature*."

We can easily understand that an occasion may arise when, owing to the supposed superior importance of the office, a larger number of votes will be cast for the twenty Senators elected biennially than for the eighty Assemblymen elected at the same time. In such case, which is to govern—the greater or the less vote?

It may be said that this is a violent supposition, but it certainly is not more violent or extreme than the many hypotheses we are every day hearing from the opponents of a convention.

We might continue thus, without limit, to expose the difficulty and danger of making the success of this all-important measure depend upon the vote given for another and wholly different purpose.

But we have said enough to show to the satisfaction of this House, we think, that the construction contended for is altogether impracticable, and that if it should be finally adopted and acted upon, it will forever defeat the calling a convention in this State, in the manner prescribed by article ten of the Constitution.

But, again, our opponents assert that unless a majority of all the votes cast for members of the Legislature shall, also, vote for a convention, no convention is called.

This construction treats the failure to vote on that question as a vote against the convention.

Yet the Constitution declares that the electors are to vote "*for or against a convention*."

Why vote *against*, if silence is deemed a vote?

It is a rule of construction that we must give every sentence, part of a sentence, and word, in a law, some operation, if we can possibly do so.

This rule, it would seem, especially applies when construing the organic law—a law conceived with so much thought, and enacted with so much reflection.

What effect, then, are we to give to the requirement to vote "for or against a convention" if mere non-action amounts to the expression of an adverse opinion?

Obviously the word "*against*" in the sentence referred to must, in that case, be deemed mere surplusage, and the act contemplated a vain and unnecessary thing.

We appeal to this House whether we are justified in giving to the language under consideration a construction which makes the words of the Constitution amount to simple nonsense.

We have argued thus far upon the language of the Constitution, and without any reference to questions of policy.

In matters of strict law, where the meaning of the enactment to be construed is clear, we are not justified in resorting to arguments of convenience or policy to sustain our views.

But when the legal construction is doubtful, the argument from policy and convenience is always admissible and entitled to the greatest weight.

We have shown the extreme difficulty, if not utter impossibility, of accurately determining the number of votes given for "members of the Legislature" at any given election.

We have shown that the number of such votes cast at the late election has not been ascertained.

So far as we officially know, a majority of those voting for members of the Legislature may have actually voted "for a convention."

The truth is, that if we adopt the construction so earnestly urged by our adversaries, we in effect render it utterly impossible to ever call a convention under the provisions of the Constitution.

Is this House, are the people whom we represent, prepared to adopt a construction involving such results?

We trust and believe not.

We are satisfied that this Assembly will prefer a construction that, while giving full effect to the language of the Constitution, at the same time recognizes in full the rights of the people.

Though among the youngest and heretofore one of the most innovating States in the Union, it is a singular fact that California has existed for a longer period without a revision of its organic law than any other member of the federation.

For years past, it has been evident to those choosing to inquire, that the State has outgrown its Constitution—a Constitution, as we well know, framed under peculiar and unexampled circumstances, and only fitted a state of things which has long passed away.

A great and organic change in our fundamental law is absolutely necessary.

Many of its existing features are such that they impede the most necessary and useful legislation.

It is utterly impossible to so amend it by the legislative mode, as to meet the requirements of the people.

Nothing short of a convention to "revise and change" it will answer the exigencies of the occasion. And we call upon this Assem-

bly not to forego the present opportunity of complying with the wishes of the people, and by conforming to the spirit of the Constitution.

For these reasons we unite in recommending to the House the passage of Assembly Bill No. 236—calling a convention to change and revise the Constitution.

McCONNELL, Chairman,
J. S. CHAPMAN,
JAS. E. MURPHY,
J. J. SCRIVNER,
J. McKENNA,
H. A. CARTER,
THO. M. SWAN,
T. J. CLUNIE.

MAJORITY AND MINORITY REPORTS

OF THE

Judiciary Committee of the Senate

ON

SENATE BILL NO. 2,

AN ACT TO PROVIDE FOR CALLING A CONVENTION TO REVISE AND CHANGE
THE CONSTITUTION OF THE STATE OF CALIFORNIA.

MAJORITY REPORT.

MR. PRESIDENT: The undersigned, a majority of your Committee on Judiciary, to which committee was referred Senate Bill No. 2—An Act entitled an Act to provide for calling a convention—have carefully considered its subject-matter, and without entering upon the details of the constitutional convention therein provided for, have had under advisement the sole question whether or not the convention referred to in the second section of Article X. of the Constitution, and the Act upon that subject passed at the last session of the Legislature, was legally called at the last election by the people.

At that election it appears that the total vote cast for Governor was one hundred and twenty-two thousand nine hundred and forty-eight votes, and that vote was the highest cast for any State officer, unless it be the vote for members of the Legislature, but the Secretary of State reports that he is unable to estimate that vote by reason of the fact that in many counties of the State there were more than two candidates for each legislative office. At that election thirty-two thousand three hundred and seventy-four votes were cast in favor of calling a constitutional convention and twenty-four thousand five hundred and fifty-two votes against.

Was the convention called under the provisions of the Constitution?

The section of the Constitution relating to this subject is section two of Article X., and reads as follows:

"And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention. * * *"

The whole question at issue is: do the words "a majority of the electors voting at such election," signify a majority of the votes upon the question of calling a convention, or a majority of all the ballots cast on that day. If the former, the convention was legally and constitutionally called; if the latter, it was not.

At the outset a very significant inquiry arises, and that is: if it had been the intention of the framers of this portion of the Constitution that a majority of the votes cast upon the question of calling a

convention should be sufficient to accomplish that object, instead of a majority of all of the votes cast, why were not apt words employed to express that intention? Written Constitutions are, of all human laws, the most profoundly deliberated, the most tersely expressed, and the most harmoniously arranged. Constitutional conventions have ever been composed of the most vigorous intellects that adorn the community, and from the gravity of the mission the results attained are generally, nay, universally, the embodiment of the ripest reflections and the most matured experience. We should anticipate, then, that the framers of this Constitution would have conveyed their ideas in an unmistakable manner, and particularly so in relation to the most serious portion of the instrument—the power to overturn or to revise it. That they have not accomplished this result is only too evident from the very discussion we are now engaged in, and from the radical differences expressed by the most eminent judicial minds regarding the true interpretation of the clause in question.

Where the context of an instrument clearly expresses an idea, it is a valuable criterion of the meaning of similar expressions in other portions of the instrument; and the reverse of the proposition is equally true, *i. e.*, if certain language were employed in one portion of an instrument to convey an idea, and it was claimed that precisely the same idea was conveyed in another portion of the same instrument, we should naturally look for the same or similar language; not that the same principle might not be clothed in different language, but in an instrument so concise, pronounced, and consistent in its structure as a Constitution, we would certainly look for the same form of expression when intended to convey the same idea.

The expressions "majority of votes," or "highest number of votes," are uniformly employed in Constitutions to express the ideas of majority or plurality, and they unquestionably signify a majority or plurality upon the question *in issue*. Thus, in section four, Article V., of the Constitution, in relation to the election of Governor, the language used is, "the person having the highest number of votes shall be Governor," and in the second section of Article X., in relation to the adoption of a new Constitution, the terms employed are "a majority of the whole number of votes cast" shall be sufficient to ratify a new Constitution.

The conception conveyed by these terms is simple and unmistakable; there can be no quibble as to the meaning; it is beyond the realm of construction; it is self-defined.

Why was not the same unequivocal language employed in the clause under review, if the intention were the same? Why not express the same idea in the same way that it was expressed in other parts of the same instrument? If other terms were used, is it not legitimate to infer that another object was sought to be attained?

It is contended by our opponents that the expression "at the election for members of the Legislature," intends merely the day upon which the vote upon the question of calling a convention is to be cast, and is not to be construed as any test of the number of votes required to call the convention. In this view we entirely concur. In our judgment the clause, "at the election for members of the Legislature," has no broader scope than would the expression have, "first day of September, eighteen hundred and seventy-five," and constitutes simply the designation of the time of holding the election upon the issue as to a constitutional convention.

Indeed, the most cursory reflection would convince any mind that the vote for members of the Legislature could have no possible bearing upon the question of calling a convention, because it was well known at the time this section of the Constitution was framed, in eighteen hundred and sixty-two, that at all elections for members of the Legislature other officers, and once in four years, other State officers were elected, and even though the clause in question had then provided that a majority of the votes cast at "such election" should be sufficient to constitute a call of the convention, it would imply not a majority of votes cast for members of the Legislature, but a majority of votes cast at that election for whatever offices were to be filled.

We are thus in accord with the minority of the committee upon the construction of the expression, "at the next election for members of the Legislature," and we agree with them that it implies simply a designation of the day for holding the election upon the question of calling a convention; but here our paths diverge, for it is then contended by them that when the words "such election" are employed in the subsequent clause, "and if it shall appear that a majority of the electors voting at *such election*," etc., the term "such election" has reference to the election upon the question of calling a convention, and that the concurrence of a majority of the electors upon that question is all that is required. But we submit that this is an uncandid discrimination between two equivalent expressions. If the term "the next election for members of the Legislature" simply means the day fixed for the election under discussion, then, certainly, the term "such election," subsequently employed, can have no larger or other definition. It, too, must be construed in precisely the same manner, *i. e.*, to refer to the time, and not the question.

This construction, in our judgment, relieves the argument of much of its obscurity, for it deprives the expression "such election" of all of the weight attached to it by the minority. It was plausibly contended that the choice of the elector, upon calling a convention, was of itself an *election*, as distinguished from the choice of officers on that day; that every question voted upon by him at that time was an election, and that if at "such election," *i. e.*, the election for or against a convention, a majority of votes were cast in favor, then it was a majority of the votes at "such election," and fulfilled the constitutional requirement.

But rob the term "such election" of this, to our minds, fallacious interpretation, and attach the meaning to it of time merely, and it destroys the entire argument based upon it.

It will next be observed that it is not a majority of votes merely that is required to control the result, but is "a majority of the electors voting," and here we suggest is another and radical difference between us and the minority of the committee. There undoubtedly is some reason in the claim that the term "vote," indicates votes upon the *question*, and not the whole vote cast for all the officers at the election, but such is not the mandate of the Constitution; it requires a majority of the "electors voting" to call the convention.

The entire strain, in our judgment, comes at last upon the definition of the term "electors," as employed in the phrase, "a majority of the electors voting." An elector is a person entitled by law to vote at an election; not one merely entitled to vote upon a single proposition, but one who possesses the general qualifications

of a voter upon all questions at an election. Section one of Article II. of the Constitution, after defining these qualifications, declares that citizens so qualified, "shall be entitled to vote at all elections which are now, or hereafter may be, authorized by law." It seems to us idle, therefore, to contend that the term "electors," when thus employed, refers to voters, either upon the question of calling a convention, or voters upon the choice of members of the Legislature, or voters upon any particular subject, for the elector in all cases must be equally qualified in order to vote at all. The term "electors," as thus used, we contend, is a generic term for all the qualified citizens who on that day cast their ballots for any officer or upon any question.

We submit, therefore, that when the Constitution declares that "a majority of the electors voting" shall be necessary to accomplish the call of the convention, it can but signify a majority of the qualified citizens who participated in the election on that day—who deposited their ballots in the ballot-box.

Paraphrase the section, then, as we contend it is to be construed, and it seems to us the controversy ends: "And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, on the first day of September, eighteen hundred and seventy-five, to vote for or against a convention, and if it shall appear that a majority of the qualified citizens voting on that day, have voted in favor of calling a convention, the Legislature shall," etc.

This interpretation entirely dissolves the objection frequently urged, that the total vote in the State for members of the Legislature could never be ascertained in cases where more than two candidates were in the field for the same office, for, in the first place, there is nothing in the Constitution, as we have before observed, that requires any such result to be estimated; and in the second place, nothing more is necessary to determine the relative proportion of the vote upon the question of calling the convention, and the total vote of the State, than to count the total number of votes in favor of the convention, and compare it with the total number of *ballots* cast, for each ballot represents an "elector voting."

This construction obviates another, and a serious difficulty. The pregnant question has been frequently propounded: suppose that at the last election but one vote had been cast in favor of calling a convention, and none against it, would the convention have been legally called? And the answer logically extorted from those who now advocate the views of the minority, is, "Certainly, for if but one vote had been cast for the Democratic candidate for Governor, and none against, would he not have been legally elected Governor?"

But is it possible that the framers of the Constitution could ever have contemplated that amidst the turmoil and heat of a political canvass for members of the Legislature, during which the deepest lethargy might and probably would prevail upon the subject of revising the Constitution, that the vote of one man should be all-powerful to uproot the foundations of a State Government and to drift a community out toward a political *terra incognita*? It is true, if such be the emphatic provisions of the instrument, this possibility ought not to prevail against it; but unless it were so pronounced and beyond the reach of conjecture or doubt, we could never assent to such a construction.

Under the view we have taken, the Constitution requires the active exercise of each voter's volition upon the question—the active exercise of his powers of choice; and if through inattention he fails to express the opinion required of him, it invests his listlessness with the power of a negative vote.

And this conducts us to another objection that has been strenuously urged to our view of the clause in question, and that is: if it were contemplated that a silent vote, or non-action of electors upon the subject, should have the effect of an absolutely negative vote, why did they provide that the electors should vote "for or against a convention?" why call for votes against, when the failure of electors to vote at all is equivalent to voting against? We think the reply to this is obvious. The evident intention was to require each elector to express his opinion at the polls, to require the will of the people upon the issue, to awaken interest and compel attention, and not to permit a structural and absolute change of the form of the State Government to occur by inaction, by lethargy, or by popular default; that those of the electors voting upon the day of election who conceived that the exigency had arisen demanding a vital alteration in the plan of government should vote affirmatively for a convention, and that the number of those who differed from them on that question, and who so expressed their difference, should be augmented by those who thought nothing on the subject and cared less.

Action upon the subject, both affirmative and negative, was intended by this provision. Express negative action was as essential to be called for as express affirmative action; for if the people could have been compelled to speak, it would, if in the affirmative, have accomplished the desired result, and if in the negative, afforded a sound basis upon which to argue the expediency or in expediency of again submitting the proposition to the people. The expression of the popular will, as represented by those who participated in the election on that day, was thus solicited by the Constitution; and if that could not be attained, then it was evidently intended that the subject had not received the consideration that it was entitled to and the framers of the instrument intended it should receive.

We must further regard it as a singular construction of a Constitution that would require a more stringent procedure to merely amend it than it would to completely overthrow and destroy it. To simply amend it requires a majority of two successive Legislatures, and a majority of the electors of the State to ratify the amendment; while it is contended that to entirely demolish the whole fabric, two-thirds of one Legislature and a majority of votes upon the question of calling a convention are all that is necessary.

It is true that this is an argument of little force in constitutional construction, if the language of the instrument is explicit on the subject; but if there is room for interpretation, it certainly deserves consideration.

We have further examined the Constitutions of all of the States of the Union, and in none of them, where provision is made on the subject, do we find any language that permits a convention to be called upon a mere majority of votes upon the question. Most of those Constitutions were consulted by the framers of ours, and by the framers of the section under review, and it would indeed be an extraordinary assumption that they deliberately departed from sound precedents, and enacted a law, fundamental and organic in its char-

acter, that could be as easily changed as could the temporary political administration of the Government.

We conceive, then, that under the provisions of the Constitution, the vote at the last election was inadequate to accomplish the result desired by the advocates of a convention; and with these views, we believe the legitimate objects of our investigation are attained. But it has been closely pressed upon us in argument, that, ignoring the organic law, and excluding from consideration the vote of the people, the Legislature has the right to call the convention, and if the Constitution framed by that body shall be ratified by the people, it will constitute the legal fundamental law of the State.

To this we have but one reply to offer: any revision of the Constitution that is not adopted in substantial compliance with the terms and under the sanctions of the existing Constitution is revolution; and revolution we are not prepared to advocate. It is law, not power, that we are discussing; it is a constitutional alteration in accordance with the machinery provided for in the Constitution, not an unconstitutional change, without and beyond the provisions of that instrument. That the people, in their undelegated and sovereign capacity, have the *power* to change the structure of their government is axiomatic in republican institutions; that they have the *power* to rise in revolution and subvert legally constituted authority no one will question, for the majority are ever superior in physical force to the minority; but that is a question of force, not right—of revolution, not law. The proposition submitted to us is: have the people, under the terms of the organic law, signified their intention to call a convention to revise that instrument, and to that proposition we must answer in the negative.

We recommend that the bill be indefinitely postponed.

WM. M. PIERSON,
HENRY EDGERTON,
S. G. HILBORN,
R. MCGARVEY,
J. T. FARLEY,
M. P. O'CONNOR,
WASHINGTON BARTLETT,
JOHN W. SATTERWHITE.

MINORITY REPORT.

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 2—An Act to provide for calling a convention to revise and change the Constitution of the State of California—have had the same under consideration, and a minority of the committee report the same back to the Senate, and recommend its passage with amendments as proposed by committee.

The subject matter of this bill is of such great importance to the people of this State, that the committee deemed it safe and advisable to consult the Committee on Judiciary of the Assembly upon the subject. A joint meeting of the Judiciary Committees of the Senate and Assembly was therefore called, and after a full discussion of the questions involved therein, the committee failed to agree upon a report. The following is, therefore, most respectfully submitted by a minority of said committee:

The questions which arose during the consideration of this subject, and which your committee found it necessary to settle, were as follows:

First—Is it necessary, in order to justify the Legislature to call a convention to revise and change the Constitution of this State, that a majority of all electors who vote for members of the Legislature, shall vote for a convention at the time designated by an Act of the Legislature at its session next preceding such election?

Second—Did the question submitted by the last Legislature to the people of this State, recommending to them to vote for or against a convention to revise and change the Constitution, receive a majority of the votes in favor of a convention at such election?

Third—Is the Act of the Legislature, approved March twenty-seventh, eighteen hundred and seventy-four, in which the following sentence appears, authorized by the Constitution; and does it in any way change the meaning of the Constitution, or ought it to affect, in any way, the result of the vote for or against the Constitution:

"A majority of the aggregate vote of the State, cast for members of the Legislature, being in favor of a convention, said convention shall be deemed to have been called."

The Constitution, relating to this subject, reads as follows (Article X., section two): "If, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next elec-

tion for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law," etc.

There are other questions incident to the subject-matter of the bill under consideration, which the committee considered of but little moment compared to the overshadowing ones above stated; and our investigation was devoted entirely to the three questions hereinbefore mentioned.

As to the first question, the minority of the committee believe that it is not the intention and meaning of the Constitution that a majority of all votes cast for members of the Legislature are necessary to authorize the Legislature to call a convention as directed by the Constitution, for the following reasons:

The requirements of the Constitution, that the question shall be submitted to the people, "at the next election for members of the Legislature," is a term used only to designate the *time* at which the election must be had, without any reference to the number of votes cast for members of the Legislature; and the words "a majority of the electors voting at such election" cannot possibly have any other meaning than the election upon the question of the convention. "Election" is defined by Bouvier to mean, "The choice which is made by a person having the right of selecting one of two alternatives." The act of the elector in voting upon the question of a constitutional convention is an election—it is the selecting one of two alternatives, "*for or against a convention*;" and that being the particular thing to which the mind of the voter is directed by the Act of the Legislature which requires of him to select, it can have reference only to that particular object. And the fact that the Constitution provides that the question may be submitted to the electors, and the vote shall be "*for or against a convention*" is to the minds of a minority of your committee conclusive, that the voting or selecting of the two alternatives—for or against a convention—is the only election referred to.

The rule of construction, applied to constitutional provisions, is to give full force and meaning to all of its parts, and arrive at its intention by a fair analysis of its terms. If we apply this test to the section of the Constitution authorizing the calling of a convention, we will find that the word "*against*," as it is there used, is intended as a *privilege* to the elector of *expressing* his objection to the calling of a convention. If the vote necessary to call a convention must reach a greater number than one-half of all votes cast for members of the Legislature, the inquiry suggests itself, why are the electors given the barren privilege of choosing "*against a convention*"?

The word "*against*" is certainly a meaningless word, if the intention of the Constitution is to require a majority of all the electors to vote for a convention who vote for members of the Legislature, in order to elect a convention. The word "*against*" can no more be disregarded in the construction of the section of the Constitution referred to, than any other word or sentence of that section. The sentence must be construed altogether, and if the words "*or against*" mean anything, full force must be given to their meaning, and the

must form distinctive and important ingredients of the sentence. "*For or against*" (as used in the Constitution) have reference to an important act of the elector, and to a particular privilege—to choose or elect "*for or against a convention*." If the intention of the Constitution is to require a majority of all electors who vote for members of the Legislature, to elect a convention, and mingle the two objects in one act of the elector, and the votes for members of the Legislature are to be used only with reference to this subject, as a numerical standard, for the purpose of ascertaining if the votes "*for*" the convention were a greater number than one-half of the whole number polled, why, then, we ask, does not the Constitution so express it, and why were the useless and barren words "*or against*" incorporated in the Constitution? We are not permitted to say that these words are useless or meaningless, and as we must give force and meaning to every word and sentence, we can arrive at no other conclusion than that the intention of the Constitution is, that the electors must *express* a choice "*for or against a convention*" when the question is left to them to determine; and if this be the case, what possible difference can it make to the determination of this paramount object, how great or how small a number of votes are cast for members of the Legislature? To base the number of votes for a convention upon the number cast for members of the Legislature, would be to compel the elector to vote *for* one object, and *for or against* the other; to express his choice freely as to one purpose, he would be *compelled* to do so as to another.

When the question of voting upon the calling of a constitutional convention is submitted to the people by an Act of the Legislature, the mind of the elector is directed to that particular thing, stripped of all extraneous or collateral issues; it is an election, or choice of the elector, such as the Constitution prescribes. Then, says the Constitution, "if it shall appear that a majority of the electors voting at *such* election have voted in favor of calling a convention, the Legislature shall at its next session provide by law for calling a convention." That is, if it is found that a greater number of electors have voted *for* a Convention than have voted *against* it, the Legislature must provide by law for calling the same. Suppose that, for the purpose of analyzing this section of the Constitution, we omit the words which relate only to time, which words are the following: "At the next election for members of the Legislature," and "at such election." The remaining portion of the section pertinent to this investigation will then read as follows:

"If at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors * * * to vote for or against a convention, and if it shall appear that a majority of the electors voting * * * have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention."

The omitted words cannot by any possible construction be construed to refer to anything but time—the particular time at which such election must be held. Their exclusion does not change the meaning or destroy the harmony of the sentence. Their incorporation into the sentence does not give it another or different meaning. So, in reading the Constitution as a whole, and giving the meaning of the words full force and effect, as we must do, we cannot construe the sentence otherwise than as above stated. The minority of the

committee, for the foregoing reasons, do not understand the meaning of the Constitution to be, that a majority of all electors who vote for members of the Legislature is necessary to authorize the Legislature to provide by law for calling of a convention to revise and change the Constitution, but that it does require a majority of all electors voting on the question of calling a convention.

As to the second question, the committee find, by an examination of the returns on file in the office of the Secretary of State, that thirty-two thousand three hundred and seventy-four electors voted for a convention, and that twenty-four thousand five hundred and fifty-two electors voted against a convention. If the minority of the committee are right in their answer to the first question stated in this report, then there can be no doubt, from the returns on file in the office of the Secretary of State, that the question submitted to the electors by the last Legislature, for the calling of a convention, did receive a majority of votes in favor of calling a convention, at such election.

As to the third question, concerning the right of the Legislature to prescribe greater conditions for a vote of the electors, on the question of voting for a constitutional convention, than those innumeraled in the Constitution, it may justly be regarded as folly to discuss; but, as it was a matter of serious reflection by a portion of the committee, the minority have deemed it proper to give their reasons why the law referred to should be disregarded, in so far as it relates to "a majority of the aggregate vote of the State cast for members of the Legislature."

How, and where, we may ask, did the Legislature of eighteen hundred and seventy-four find the authority to declare that "a majority of the aggregate vote of the State cast for members of the Legislature being in favor of a convention, said convention shall be deemed to have been called"? There is no authority in the Constitution for such a statutory provision, and if the Legislature of eighteen hundred and seventy-four were warranted in prescribing this excessive condition, would not the same principle permit them to prescribe that a unanimous vote of the State cast for members of the Legislature should be necessary to call the convention? If the language of the Constitution can be departed from in one particular on this subject, where is the limit to restrict the Legislature in the exercise of its delegated powers?

The Constitution provides that, "If, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change the Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention." This provision, thus far, confers a certain power upon the Legislature, which precedes the vote of the electors on the question of the convention. That power is based upon a legislative discretion, but when exercised, it is confined within certain limits. To enact law by which the question may be properly submitted to the electors, it is the preliminary step to the formation of a new Constitution by the people. The provision of the Constitution which follows the above quoted is for the guidance of the session of the Legislature which follows the vote on the question of the convention.

The session of the Legislature which takes the initiative upon the subject has the right and power only to "recommend to the electors at a certain time, to vote for or against a convention." When the

have exercised that right their power in the premises has ended, and all further legislative duty devolves upon the next session of the Legislature. It was proper and commendable for the Legislature of eighteen hundred and seventy-four to enact the law of March twenty-seventh of that year, providing for the election "for or against a convention," and, with the exception of the concluding sentence of the second section, is strictly within the limits of constitutional power; but that sentence is as meaningless and unwarranted as it is absurd and ridiculous.

It is certainly a departure from the Constitution, an unwarranted addendum to an otherwise proper and constitutional law, and should not be regarded in any manner as an embarrassment to the statute providing for the election on the convention question, or binding upon the present Legislature in its deliberation on the subject-matter now under consideration. The third question is therefore answered as follows:

We do not think the concluding sentence (the addendum) to the second section of the Act of March twenty-seventh, eighteen hundred and seventy-four, is authorized by the Constitution. That it in no wise changes the meaning of the Constitution. That it does not in any manner affect the result of the vote for or against the convention.

Besides the three questions propounded in the beginning of this report, there is one other which suggested itself to the committee, and while it may not be considered strictly involved in the consideration of the bill now before the Senate, it may, we think, properly be considered in connection with the subject-matter of a question of the greatest possible interest to the people.

"The Constitution is the fundamental law of the State, containing the principle upon which the government is founded, and regulating the division of the sovereign powers." It should therefore be regarded by the people as the most sacred of all human agencies, and when it is sought to revise or change its provisions, the subject should be approached with a degree of caution akin to reverence. And it is a principle that applies as well to Constitutions, as statutory provisions, that it is better to endure an objectionable law, than to hazard the experiment of a new enactment. Yet, sometimes that necessity which flows from a restless and progressive people, with interests varying as time advances, may properly demand a change in the fundamental law; and that such a change shall be placed beyond the reach of passion or popular enthusiasm, Constitutions have been framed and adopted, and without exception in the history of our country, providing for their own alteration and amendment by that slow and sure methodical process which precludes the possibility of hasty or passionate provisions. Mingling then, the deliberate judgment of the people, with the time, and the established checks which surround a proceeding of such great importance, may we not, with a degree of certainty, venture to assist in the change of the fundamental law, when the necessities are so great and the demand apparently so unanimous?

There are many reasons why a constitutional convention should be called to change the fundamental law; but whether those reasons should be set forth in a report of the Judiciary Committee, upon the bill now under consideration, is a matter of serious doubt with a minority of the committee. But, at the risk of being considered

obtrusive, the committee will state, as concisely as possible, some of the reasons why a convention to revise and change the Constitution should be called.

Our revenue system is sadly defective, so much so that our judicial tribunals find it a difficult matter to settle, with a uniformity of decisions, what is taxable property. This subject should be so thoroughly declared, and distinctly stated in the Constitution, as to make it a matter perfectly free from all legal mystery, and above and beyond all judicial doubt. This can only be done by the agency of a new Constitution.

Our judicial system is far from being perfect. The number of our Courts is too great, and our facilities for judicial investigation too small. An experience of twenty years has served to point out the errors which might be avoided in a new Constitution.

Our elections are too frequent, each general and judicial election costing the people of this State about the sum of one hundred and seventy-five thousand dollars, to be paid by taxation, besides the incidental expenses of persons interested in elections, which may safely be stated to reach the sum of millions. A new Constitution, changing the general elections to the even years; electing all political and judicial officers at the same time; requiring the election to take place on the day of the month upon which the Presidential election occurs, and the four years which would follow the adoption of such a constitutional provision would give us but two elections, instead of five, which must be endured under the present Constitution.

There are many other reasons that might be given why a new Constitution is desired, but for fear of being charged with exceeding our duty, the minority of the committee are content with resting upon the suggestions thus far made.

That the people demand a constitutional convention is beyond a question. That it ought to be called, there is not the slightest doubt. That it has been called is clearly shown by the statement of the vote upon the subject now on file in the office of the Secretary of State. Under such circumstances the minority of the Judiciary Committee believe it to be the duty of the present Legislature to enact a law to provide for the constitutional convention, agreeable to the mandates of the Constitution.

We, therefore, recommend the passage of Senate Bill No. 2, as amended by the committee.

E. J. LEWIS, Chairman,
C. HAYMOND,
R. HOPKINS.

REPORT
OF THE
INVESTIGATION INTO THE AFFAIRS
OF THE
State Agricultural Society,
BY THE
ASSEMBLY COMMITTEE ON AGRICULTURE.

REPORT.

Mr. SPEAKER: Your Committee on Agriculture, to whom was referred a resolution, passed by the Assembly on the twenty-seventh day of January, directing the committee "to investigate the affairs of the State Agricultural Society as at present organized and officered, and also to inquire into the propriety or expediency of forming another State Agricultural Society, that shall hold its annual fair and exhibition at San José, or some other central locality south of the City of Sacramento," after an examination of the buildings and grounds belonging to the society, and an investigation into its management and financial condition, together with a careful review of the facts and information before us, have been conducted to submit for your consideration the following report:

The resolution of the Assembly, under which the committee acted, embraced three distinct subjects for investigation, viz: First, the manner in which the society was organized and is at present officered; second, its financial condition and management; third, the expediency of establishing another State Agricultural Society, which shall hold its exhibitions at San José, or some other central locality. The committee have addressed an inquiry into each of these subjects, and report the result in the order above named.

HOW ORGANIZED AND OFFICERED.

"The California State Agricultural Society" was incorporated under an Act of the Legislature, approved May thirteenth, eighteen hundred and fifty-four, with power to purchase and hold any quantity of land, not to exceed four sections, and to sell and dispose of the same at pleasure. This Act provides, "that the said real estate shall be held by said society for the sole purpose of establishing a model experimental farm or farms, erecting inclosures, buildings, and other improvements calculated and designed for the meeting of the society, and for an exhibition of the various breeds of horses, cattle, mules, and other stock, and for agricultural, mechanical, and domestic manufactures and productions, and for no other purposes; and that if, from any cause, said society shall ever be dissolved, or fail to meet within the period of two consecutive years, then the real estate held by it, together with all the buildings and appurtenances belonging to

said estate, shall be sold as lands are now sold by execution, and the proceeds deposited in the State treasury, subject to the control of the Legislature."

For several years after the incorporation of the society, it had no definite or regular place of meeting, but held its fairs and exhibitions in different portions of the State, until finally it was found impossible to make it a success, unless it was permanently located in some central locality, where suitable grounds could be obtained and proper buildings erected for its fairs and exhibitions. Sacramento City was finally determined upon as being the most desirable place, and accordingly, about the year eighteen hundred and sixty, the property of the society was removed there, and land was purchased and leased for a park, and buildings erected upon it, for the convenience of exhibitors and visitors.

At a subsequent session of the Legislature an Act was passed, which provided that the general prudential and financial affairs of the society should be entrusted to a Board of Agriculture, to consist of a President and nine Directors, to be elected by life and annual members of the society, and four delegates from each District and County Agricultural Society of the State, to hold office for the term of three years; the terms of three Directors to expire annually. The Secretary and Treasurer are appointed by the Board, who fixes their salaries and prescribes their duties. The present officers of the society are: President, R. S. Carey, of Sacramento; Secretary, Robert Beck, of Sacramento; Treasurer, L. A. Upson, of Sacramento. Directors—J. J. Green, Sacramento; Chris. Green, Sacramento; Fred. Cox, Sacramento; E. B. Mott, Sacramento; R. M. Hamilton, Sacramento; Marion Biggs, Sr., Butte; M. D. Boruck, San Francisco; T. L. Chamberline, Placer; L. Shippee, Stockton.

THE SALARIES

Of the officers are fixed by the Board. The President has no stated salary, but it is the custom of the Board to allow him a sufficient amount to defray the expenses necessarily incurred in the discharge of the duties of his office. For several years past, a thousand dollars per annum has been allowed him for this purpose. The Secretary receives a salary of two thousand dollars a year. He attends to all correspondence of the society, keeps the books and accounts, compiles the premium lists, prepares all reports of the Board to the society, and all reports made by the society to the State, signs all cards and tickets of admission, and countersigns all diplomas, certificates of merit, etc. He is also ex officio Librarian, and has charge of all books, specimens, etc., belonging to the library. The books of the society are kept in a most creditable and systematic manner. The Treasurer receives a salary of two hundred and fifty dollars per year. He is entrusted with the funds, certificates of stock, bonds, notes, deeds, etc., and is obliged to give a good and sufficient bond, to be approved of by the Board, for the faithful performance of his duties.

The Board of Directors is composed of gentlemen of high character and integrity, and are directly identified with the agricultural and mechanical interests of the country. Their chief and only aim is to promote the welfare of the society, and to make it a credit and benefit to the State.

FINANCIAL CONDITION.

The society, from its inception, labored under very great financial embarrassments, its indebtedness at one time being as high as thirty thousand dollars, and it was not until the year eighteen hundred and seventy, that this threatening cloud of debt cleared away, and freed it from this great barrier to its advancement and prosperity.

The projects of the society, however, were far from reaching the state of development necessary for the success of the society, and in order to carry out the requisite plans, a vast amount of money would have to be expended. The grounds were not extensive enough to meet the requirements of the public; the buildings, for the most part, were in a dilapidated condition, and rapidly becoming worthless; the grand stand was so old as to be unsafe and dangerous; the sheds and structures for the accommodation of stock were in a deplorable condition, and utterly inadequate to supply the wants of the exhibitors; and the park was almost naked of trees and shrubbery, and bereft of all that is pleasing and attractive to the eye.

To remedy this condition of affairs, a task of considerable magnitude was involved, but the Directors went to work with a zeal and energy that overcame every obstacle, and accomplished the work of making the buildings and grounds a credit to the society and State.

Several blocks of land were purchased, a grand stand and other buildings erected, and trees and shrubbery set out.

The following shows, as per reports of the society, the amount of money expended, and the purpose:

1872—Paid for shares in Union Park (real estate).....	\$ 7,200 00
1873—Paid for real estate and improvements.....	5,406 29
1874—Paid for building grand stand, etc.....	24,905 53
1875—Paid for setting out trees and erecting sheds.....	4,030 23
Improvements at pavilion.....	3,500 00
Total.....	\$45,042 05

The cost of making these improvements involved an outlay that greatly exceeded the amount of money in the treasury of the society, and in order to complete the work the Board of Directors found it necessary to borrow a sufficient sum to do it. Accordingly the sum of ten thousand dollars was borrowed of Drury Melone, the individual members of the Board holding themselves responsible for the payment of the same. Thus, in order to make these necessary improvements the society was compelled to incur a debt.

THE INDEBTEDNESS.

Of the society at the present date is as follows:

Name.	Purpose.	Amount.
To Drury Melone	On a note	\$10,000 00
To D. O. Mills & Co.		1,372 00
To F. S. George	Balance on real estate	1,500 00
Premiums { Due on premiums	Awarded	899 00
Due on gold medals	Awarded	270 00
Due on silver medals	Awarded	45 00
Due on napkin rings	Awarded	30 00
To N. L. Drew & Co.	Lumber	542 22
To Capital Gas Company	Gas	328 28
To James McGuire	Hog-chains in Pavilion	45 00
To A. Leman	Feed for hogs and chickens	41 41
To C. H. Krebs	Window blinds, etc.	56 05
To San Francisco Chronicle	Advertising	84 00
To O. Ross & Co.	Use of chairs at exhibition	14 00
To Dale & Co.	Hire of and repairing show-cases	22 68
To John Breuner	Furniture in Secretary's office	32 25
To R. S. Carey	Appropriation	1,000 00
Total		\$16,281 89
Received from annual memberships		\$140 00
Total amount of indebtedness		\$16,141 89

THE PARK.

The land comprised in the park, or "Fair Grounds," embraces eleven and one-half blocks, making about forty-three acres. Five blocks were purchased by the citizens of Sacramento and leased to the society for the term of ninety-nine years, and the remainder was bought and paid for out of the funds of the society. The location is a pleasant and desirable one, and well adapted for the purposes for which it is used. The grounds are kept in excellent condition, and are enhanced and beautified by trees and shrubbery, tastefully planted and laid out. The race-track is carefully attended to and kept in good repair. It is said to be equal, if not superior to any track on the coast. During the past year the lower portion of the grand stand, and certain stands and sheds not used or appropriated for any special purpose, have been leased and certain privileges granted to a responsible person for the sum of six thousand dollars per annum, payable in monthly installments. The management, care, and supervision of the park belongs to the duty of the Superintendent. Fred. Cox, Esq., one of the Board of Directors, is at present holding this office, and serves without compensation.

THE GRAND STAND.

The committee spent the greater portion of a day in inspecting the grand stand and other buildings at the park. They were materially aided in their examination by Mr. J. P. O'Conner, a building expert and Secretary of the Senate Committee on Public Buildings and

Grounds. The grand stand was built and completed in eighteen hundred and seventy-four. It was constructed under the supervision of a building committee of the Board, composed of Messrs. Carey, Cox, and Hamilton. All the work was done by "day-work," except the heavy planing, painting, plumbing, shingling, and laying of gas and water pipes, which was done by contract. It is a strong and substantial building, convenient and commodious, having a capacity capable of seating from six to seven thousand people. It is about six hundred feet long and forty feet high, and commands a perfect view of the entire park and surroundings. Its total cost is in the neighborhood of twenty-two thousand dollars, being much less than the lowest estimate made by any architect who offered a proposal to build it.

OTHER BUILDINGS.

The stables, buildings, and sheds for the use of horses, cattle, and all kinds of stock, too great in number to enumerate, are spacious, in good condition, and afford ample accommodation for all exhibitors. A great proportion of them have been built within the last few years. With an outlay of from three to four thousand dollars for stables, the society will have all the accommodations that are necessary for years to come.

THE PAVILION,

Situated on the corner of Sixth and M streets, is a large and substantial structure, well adapted for the exhibitions of this society. It was built by the City and County of Sacramento for the benefit and express use of the society, to whom it is leased as long as it remains a State institution. The society has, at a great expense, erected machinery in a portion of the building, for the purpose of testing mechanical and agricultural inventions, which are annually exhibited. The office of the Secretary, Board of Directors, and the library of the society are also situated in this building.

VALUE OF PROPERTY.

The buildings are all insured and kept in good condition. The total value of all the property of the society is estimated as being worth from one hundred thousand dollars to one hundred and twenty-five thousand dollars. The property, however, could not be replaced for a much greater sum.

STATE AID.

California has followed the custom of older States of the Union in appropriating money toward the support of a State Agricultural Society. The appropriations made have been for premiums to be offered by the society, excepting fifteen thousand dollars appropriated for building a brick wall around the front part of the park, and fifteen thousand dollars for building a grand stand.

APPROPRIATIONS.

The Legislature has contributed by appropriations to the society, as follows:

Date.	Purpose specified.	Amount.
1854	For premiums	20,000 00
1855	For relief	1,500 00
1858	For premiums	25,000 00
1861	For building brick wall	15,000 00
1865-6	For premiums	8,000 00
1867-8	For premiums	8,000 00
1869-70	For premiums	16,000 00
1871-2	For premiums	10,000 00
1873-4	For erecting a grand stand	15,000 00
	Total	\$118,500 00

An investigation into the books of the Secretary shows the receipts at the park and pavilion, the amount awarded in premiums and purses, and the amount realized from the sale of pool privileges and entrance money, for the past three years, to be as follows:

Receipts.

1873—At the park	\$14,473 00
1874—At the park	16,267 10
1875—At the park	15,840 30
Total	\$46,580 40

1873—At the pavilion	\$7,180 40
1874—At the pavilion	5,660 60
1875—At the pavilion	5,802 80
Total	\$18,593 80

Premiums:

1873—Paid for premiums	\$8,925 60
1874—Paid for premiums	9,619 70
1875—Paid for premiums	9,214 20
Total	\$27,759 60

Purses.

1873	\$14,200 00
1874	15,950 00
1875	13,330 00
Total	\$43,480 00

This amount has not actually been paid out of the treasury, as there must be deducted from it the sum received in,

ENTRANCE MONEY AND POOL PRIVILEGES,

Which was paid into the funds of the society previous to the payment of the purses, and which was used for that purpose. The money thus realized is as follows:

1873	\$8,075 00
1874	9,750 00
1875	9,945 00
Total	\$28,470 00

Deducting this amount from the total amount expended for purses—forty-three thousand four hundred and eighty dollars—and it will be found that the society has only actually spent in purses, for the space of three years, the sum of fifteen thousand and ten dollars.

PREMIUMS AND PURSES.

It will be seen from the foregoing statement that there has been expended in premiums in the last three years twenty-seven thousand seven hundred and sixty-three dollars and sixty cents; less five thousand dollars appropriation from the State, would leave twenty-two thousand seven hundred and sixty-three dollars and sixty cents, which has been paid out of the funds of the society for premiums, while fifteen thousand and ten dollars has been paid for purses. Thus, in the space of three years, the society has paid out seven thousand seven hundred and fifty-three dollars and sixty cents more for premiums than for purses.

HORSE-RACING.

During the past few years there has been almost a general complaint among the agricultural community, that too great attention is paid to horse-racing at our agricultural fairs, and that it is made their leading feature, overshadowing all else by its prominence. While this is true to a great extent, it will be seen that the receipts at the park are nearly three times greater than at the pavilion, which shows the public preference, and throws the responsibilities upon the shoulders of the people, rather than on the managers of these institutions. It is too much the custom of the people to come to our fairs empty-handed, preferring the leisure and freedom of a visitor to the care and trouble of an exhibitor. To this thoughtless and unwarrantable custom among our industrial classes must be attributed, more than to any other cause, the lack of interest manifested in our agricultural and mechanical exhibitions. To this custom must also be attributed the reason why the agricultural fairs throughout the country, as well as this State, have, for years, been leaning too much to the trials of speed on the race-course rather than to the more useful and interesting exhibitions of the general products of the country. But until the time comes when the people will attend these exhibitions in prefer-

ence to participating in the excitement of the race, agricultural societies will be compelled to continue horse-racing as a prominent feature of their annual fairs.

INVESTIGATION.

While the committee were proceeding with their investigations, rumors of maladministration of affairs and misappropriation of money came to the ears of the committee, who felt it their duty to conduct a rigid examination into the affairs of the society, so as to arrive at the truth and foundation of such rumors. Accordingly several witnesses were summoned and subjected to a searching examination; but no testimony was adduced, or facts elicited, that could be considered of serious damage to the management of the society. Among the charges made, however, was that the society paid florists to make exhibits of flowers, shrubs, etc. This seems to have been the custom of the society for several years; the reason given for it being that it was cheaper to adopt this method of making an attractive display than it was for the society to lay out a garden annually at its own expense. While the committee doubts the expediency of making such a display, at considerable cost, yet, if it is necessary, the society has, under the circumstances, pursued the most economical course. Your committee have, therefore, been forced to the conclusion, by their examination and investigation, that the society has been conducted and managed in an honest and creditable manner.

ANOTHER STATE AGRICULTURAL SOCIETY.

As to the propriety or expediency of forming another State Agricultural Society, that shall hold its annual exhibition at San José, or some other central locality, the committee would simply say that they see no good reason for the formation of any such society, neither are they aware that there is any demand made for it by the people of any portion of the State, or of any benefits that would arise therefrom. It would also have the effect of crippling the present State Agricultural Society, and tend to destroy the usefulness which it might be to the agricultural interests of the State, by the dissemination of valuable information to the farmers and mechanics of this country, through the annual exhibitions of the various products of the soil, fine breeds of horses and stock, mechanical inventions, and such other collections as will afford the most useful hints and valuable information to the farmers, artisans, and mechanics of the State.

In conclusion, Mr. Speaker, your committee would say that any thing which tends to promote and encourage agriculture should be protected and fostered; for, as prospers agriculture, the great fountain of all wealth, the great mother of all occupations, and promoter of all civilization, so prosper the towns and cities, the State and the entire people.

LAMBOURN,
OSTROM,
RUGGLES,
WATKINS,
CARTER.

COMPARATIVE STATEMENT

OF THE

Contingent Expenses of the Legislature,

FOR THE

NINETEENTH, TWENTIETH, AND TWENTY-FIRST SESSIONS,

FROM THE OPENING OF THE SAME TO AND INCLUDING JANUARY EIGHTH
OF EACH SESSION.

[REPORT OF THE ASSEMBLY COMMITTEE ON PUBLIC EXPENDITURES AND ACCOUNTS.]

REPORT.

ASSEMBLY CHAMBER, January 10th, 1876.

MR. SPEAKER: The Committee on Public Expenditures and Accounts beg leave to report that they have procured a comparative statement of the contingent expenses of the two Houses of the Legislature for the nineteenth, twentieth, and twenty-first sessions, from the opening of the same to and including January eighth of each session. It will be seen that the expenses of the Assembly for the nineteenth session were three thousand six hundred and fifty-three dollars and five cents; that of the twentieth session, three thousand and ninety-nine dollars and ten cents, exclusive of the reporters' account, which for *both* Houses was two hundred and eighty-three dollars and twenty-two cents; the account of this session is one thousand eight hundred and ninety-five dollars and three cents, and for reporters, thirty-five dollars and twenty-two cents.

It will be seen that the difference in favor of the House for this session, as compared with the nineteenth session, is one thousand seven hundred and twenty-two dollars and eighty cents; and the balance in favor of this session, as against the twentieth session, is one thousand seven hundred and fifty-eight dollars and two cents.

We would call attention to the fact that during the two previous sessions the demands of the attachés of this House, as well as of the Senate, for stationery, and all that word includes, have been largely in excess of the members. This session their desires have not been very exorbitant, but we would urgently advise the strictest economy among them, as there is much room for great saving in their accounts. This committee will, from time to time, make strict investigation into the various clerk and committee rooms, and render exact returns of all requisitions on the Secretary of State, with a view to stop all useless or extravagant demands.

HENSHAW, Chairman.

SESSION OF 1871-2.

Statement of the amount of stationery, etc., furnished the members of the Legislature, committees, secretaries, clerks, and other attachés, from the opening of the session to and including the 8th day of January, 1872.

To the Senate and attachés.....	\$2,513 02
To the Assembly and attachés.....	3,653 05
Grand total.....	\$6,166 07

The accounts of this session of the Legislature were not kept separate.

SESSION OF 1873-4.

Statement of the amount of stationery, etc., furnished the members of the Legislature, committees, secretaries, clerks, Sergeant-at-Arms, and other attachés, from the opening of the session to and including January 8th, 1874.

To the Senate.....	\$951 30
To the attachés.....	1,235 10
	\$2,186 40
To the Assembly.....	\$1,495 23
To the attachés.....	1,603 87
	3,099 10
To the reporters, both Houses.....	283 22
Grand total.....	\$5,568 72

SESSION OF 1875-6.

Statement of the amount of stationery, etc., furnished the members of the Legislature, Sergeant-at-Arms, secretaries, clerks, committees, and other attachés, from the opening of the session to and including the 8th day of January, A. D. 1876.

To the Senate.....	\$656 58
To the attachés.....	933 13
	\$1,589 71
To the Assembly.....	\$1,137 50
To the attachés.....	757 53
	1,895 03
To the reporters of both Houses.....	35 2
Grand total.....	\$3,519 9

REPORTS

OF THE

SPECIAL COMMITTEE

ON THE

CONTINGENT EXPENSES OF THE ASSEMBLY.

REPORT.

ASSEMBLY CHAMBER, February 3d, 1876.

Mr. SPEAKER: Your committee, appointed under resolution of February second, beg leave to make the following report:

<i>First</i> —That the contingent expenses of the Assembly for the month of December amounted to the sum of.....	\$886 00
The contingent expenses for the month of January.....	5,996 69
To which last amount should be added the expenses of seven traveling committees, and their clerks, which have not yet been reported, which may safely be estimated at the sum of.....	1,500 00
<hr/>	
Showing the total contingent expenses of the Assembly, for the month of January, to be.....	\$7,496 69
An increase for the month of January over that of December, of the sum of.....	6,610 69
An increase over the last session, for the same month, of...	2,070 17

Your committee finds that this increase is, in a great measure, due to the increased number of assistant and committee clerks appointed during the last month.

Second—Your committee finds that the duties of Postmaster and the duties of Paper-folder could be easily, conveniently, and effectually performed by one and the same person, and therefore recommend that the office of Paper-folder be abolished, and that the Postmaster be required to perform those duties.

Third—Your committee finds that the duties of Post-office Page could, and should be performed by the regular Pages of the Assembly, and therefore recommend that said office be abolished.

COPYING CLERKS.

Fourth—The office of Copying Clerk for the Assembly was established at a time when all State printing was performed by contract with private parties, and it was at that time very properly thought necessary to retain the original bills in the Capitol building, and send only a copy out into the city to the printer.

This necessity, however, has been superseded by the establishment of the responsible and bonded office of State Printer, who is in every particular responsible for the safe return of all bills entrusted to his charge for printing.

We take occasion, in this connection, to remark that the very argument used by Mr. Luttrell, in favor of creating the office of State Printer, was, that it would do away with the office of Copying Clerk in both branches of the Legislature, and thereby work a saving to the State of an immense sum.

We have conferred with the State Printer upon this subject, who expresses the opinion that, with few exceptions, all bills could be as readily printed from the originals as from the copies.

And we express the opinion, that the skilled compositor, at his cases, is *better* qualified to decipher the bad chirography of hastily written bills than the ordinary unpracticed copying clerk. Again, under the present system, a bill is introduced into the Assembly, and from there it passes into the hands of the Copying Clerks, where they usually remain from two days to one week, before being transmitted to the printer, and delivered into the hands of the committee to which they may be referred.

Such delay is unnecessary and pernicious, and in many instances bills have passed the Assembly, and, so far as we are concerned, become a law before the printed copies were placed upon the desks of the members. The evil of this course is apparent, and needs no comment.

On the other hand, were the original bills delivered to the State Printer, upon their introduction into the Assembly, in the space of from twenty-four to thirty-six hours, the originals would be placed in the hands of the committees, and the printed copies upon the desks of members, for their consideration.

Your committee further report that they have examined into the amount of work performed by the Copying Clerks up to this date, and find as follows:

Number of folios, of one hundred words, copied during the term, under a liberal count.....	1,260
Per diem of Copying Clerks, to Saturday, February 5th.....	\$1,616 00
Per diem of the present Copying Clerks for the remainder of the term.....	2,784 00

And, in this estimate, we have not taken into consideration the immense cost of lights, fuel, and stationery, drawn by these clerks from the office of Secretary of State.

We, therefore, submit that the office of Copying Clerk is an impediment to our legislation; and a leech upon the treasury of the State, and accordingly recommend that this office be abolished.

And in concluding this subject, we would say, that the Copying Clerks have kept no record of the bills intrusted to their care and custody; and in the event of the loss of any bill, however important, it would be impossible to trace the default to any particular individual, of the six persons now employed in that office. We, therefore, recommend, whatever action the Assembly may take upon the general proposition, that this informal procedure be at once corrected.

ENGROSSING CLERK.

Fifth—Your Committee on Additional Employés, to whom was referred a resolution asking for three additional clerks in the engrossment office, in reporting the same back, represent that on the first day of February there were one thousand folios awaiting engrossment in that office. On this, the second day of February, we your committee find six hundred and twenty folios, under a very liberal count, awaiting engrossment in that office, showing that the present help in that office had engrossed about four hundred folios in the period of one day, and this calculation is based upon the supposition that no bills were transmitted to that office for engrossment during the interim. We therefore submit that no additional help is at present necessary in that office. Your committee, however, venture the following opinion and suggestion:

The history of previous Legislatures shows that many important measures to the State have been entirely defeated during the last days of their sessions, by a failure to get their bills engrossed in time for final action. That the dexterous enemies of important measures have intercepted and delayed them in the engrossing office, until time had worked a defeat to the will of the Legislature and the people; and while we are far from predicting that such circumstances will attend the last days of our session, we believe, as another has said, "that it is not the province of a Legislature to make laws against what *will* be done, but against what *has* been done, and what *can* be done." Your committee has found it to be next to an impossibility to ascertain the exact number of folios engrossed by these clerks up to this date. We, therefore, are unable to submit herewith the cost per folio of the work done. We feel safe, however, in saying that it has been great, and far in excess of the expenditure necessary. We avow these conclusions from a few simple facts, viz: That these clerks have worked six days in the week from two to six hours per day. That ordinarily but two clerks have actually been employed in engrossing the bills, and making a rational estimate of the amount of labor performed in this time, we conclude that the sum of thirty cents at least per folio has been paid for all bills engrossed. Again, your committee finds that the amount of labor in this office fluctuates from day to day, and the number of clerks necessary to the prompt performance of the duties on one occasion is entirely unnecessary upon other occasions. While your committee holds that all bills should be promptly engrossed, when so ordered by the Assembly, it also holds that the amount of compensation should be regulated by the amount of service performed.

We, therefore, recommend that no per diem be allowed the assistant Engrossing Clerks, but that a fixed sum be allowed per folio for all bills engrossed, and that the chief Engrossing Clerk be allowed to employ as many clerks as may be necessary to the prompt performance of his duty, and that no bill be delayed in that office for a period to exceed three days, except by special order of the Assembly.

We believe, further, that the adoption of the course herein indicated would result in bringing up the merit of all bills upon their engrossment, instead of the usual course upon their passage, which would have the effect to very materially lessen the amount of service required in that office, for it is evident that many bills which are now defeated upon their passage would be discussed upon their

engrossment, thereby doing away with the necessity of engrossing the same.

ENROLLING CLERK.

Sixth—Your committee find that the Enrolling Clerk, with one assistant, has so far been able to perform the duties of his office. That owing to the great care and precision necessary in the enrollment of bills, we suggest no change in that office. Your committee is impressed with the belief that, as the session progresses, it will be necessary to increase the number of assistants in this office.

Your committee are now preparing, and will at an early day introduce, a bill embodying substantially the views hereinbefore set forth.

Your committee have been unable to investigate into the standing of the various committee clerks, and ask further time to report thereon.

G. F. HARRIS,
GEO. A. YOUNG,
J. C. BRADLEY.
Committee.

SUPPLEMENTAL REPORT.

ASSEMBLY CHAMBER, February 7th, 1876.

Mr. SPEAKER: Your Special Committee on Contingent Expenses beg leave to make this further report:

First—That our former report, as well as this now submitted, has been based upon the books of the Controller of State, which make an exhibit on the last Saturday of each month of the respective sessions. In accordance with the views and wishes expressed by some members of the Assembly, and in order that complete justice may be done, we make the following comparison of the two months of December and January for the twentieth and twenty-first sessions:

Contingent expenses, twentieth session, from December	
1st to January 31st, sixty-two days	\$7,574 52
Average per day	122 17

Contingent expenses, twenty-first session, December 6th	
to January 29th, fifty-five days	\$6,882 69
Average per day	125 14

It will be remembered that the expense of the traveling committees of the twenty-first session is not included in the above estimate for that session, but that such expense is included in the estimate for the twentieth session.

We will not venture an estimate upon this outstanding committee expense in this report, but will hereafter make recommendations in that regard.

Second—Your committee desire to say further, upon the office of Engrossing Clerk, that the expenses of that particular office have exceeded those for the same office of a former term only in a small amount, during the time for which we have reported. And we further submit that if the comparison was extended from the time of our former report, up to the present date, the excess, if any, would be reversed.

We, however, submit that the expenditures in that office have always been more extravagant than necessary, and believe that the course indicated in our former report, and partially adopted by resolution of February third, would very materially reduce the expenses of that office.

Third—Your committee do not desire to appear to attack any of the occupants of the several offices of which we report, but are

directing our inquiries to the office itself, and the system of its control; and, hoping that we may be so understood, we proceed to inquire into the office of Chaplain.

Upon this subject, your committee believes that the perpetuation of our republican institutions depends as much upon the complete and entire segregation of church and State as upon any other one cardinal doctrine incorporated into our Constitution. And we believe, moreover, that any seeming union of the two, or apparent recognition of the church by the State, is an infraction of this vital principle of our Government. That it is a step tending in a direction which, if pursued, would inevitably result in the overthrow of our republican institutions. While the chaplaincy in itself may work no evil, it is the first step, to which the second may easily be added.

And while we recognize the venerable custom of opening the daily sessions of legislative bodies with religious exercises to be one of long standing, and of laudable purpose, yet we fail to appreciate the fitness of choosing a Chaplain from the diversified religions and religious sects of this country to perform those duties, as an ecclesiastical officer of this body and of this State; but, on the contrary, believe it to be inconsistent with the spirit and theory of our Constitutions, both State and national.

Your committee, therefore, finds that this office is one unwarranted by law; that it is unnecessary to the performance of any of our legislative duties, and that it is therefore not a proper charge upon the treasury of our State, in which dissenters as well as believers are equally interested.

Your committee, therefore, in support of principle and in behalf of economy, recommend that this office be abolished.

COMMITTEE CLERKS.

Upon this subject we have not extended our inquiry sufficiently far to enable us to make a specific report; but recommend such action be had by this House as shall require all committees which have not immediate and continuing need of a clerk to dismiss the same.

In order that your committee may be enabled to make a complete and accurate report of the contingent expenses of this House we recommend that such action be taken by the Assembly as to require all traveling committees to report for allowance the amount due them. Your committee will introduce a resolution at an early day, designed to accomplish this end.

Your committee ask time for further report.

G. F. HARRIS,
GEO. A. YOUNG,
J. C. BRADLEY,
Committee.

PETITION

OF THE

SAN FRANCISCO LYING-IN HOSPITAL AND FOUNDLING ASYLUM,

TO THE

LEGISLATURE OF THE STATE OF CALIFORNIA.

PETITION.

To the Honorable the Senate and Assembly of the Legislature of the State of California:

Your petitioners, Trustees of the San Francisco Lying-in Hospital and Foundling Asylum, with other citizens, most respectfully submit the following propositions, and ask the following amount of aid from the State. Said institution is engaged in the beneficent work of providing for foundlings, and saving the victims of misplaced confidence and love from becoming outcasts of society, and enabling them to become good and useful women, and to save from death their offspring. We believe the following propositions can be established:

First—That as a large number of respectable girls, through misguided love, are seduced on this coast annually, as there are men and women who become inmates of the State Insane Asylum.

Second—That as large a number of these unfortunate girls can be saved to society, and will become good women, provided said institution can have sufficient aid to carry out its benevolent designs, as the numbers restored to their reason by treatment at the Insane Asylum, and will prove quite as useful in promoting the progress and development of the State.

Third—That depraved women and the abuse of alcoholic stimulants are by far the largest elements that operate to demoralize society; that prostitution, with its accompanying evils, is increasing at a fearful rate; that every girl saved from prostitution is a saving to the State of thousands of dollars; that the cost to the State caused by the depraved class mentioned is beyond calculation; that a majority of those who follow lives of prostitution are victims of seduction; that if the laws now upon our statute books for the punishment of abortion, feticide, infanticide, and homicide, were as effectually administered as the laws for murder, arson, highway robbery, theft, and minor crimes, prison accommodation would have to be doubled.

The correctness of the above proposition would be more apparent if the authorities of the State would cause to be made an investigation such as the Governors of the New York Almshouse instituted, assisted by the then Mayor, Fernando Wood, in the years eighteen hundred and fifty-six, and eighteen hundred and fifty-seven, from whose report it appears that then there were upwards of six thousand prostitutes in the single City of New York, without including women

who fill the position of kept-mistresses, or those who occasionally visit houses of assignation. (See Sanger's Report.) Of the rapid increase of this degraded class, no adequate idea can be formed without consulting statistics. But Professor Elliott, in a paper read by him before the New York Historical Society, only eleven years later than the report above referred to, says that the City of New York contained twenty-five thousand public prostitutes. Doctor Sanger's work contains estimates, based on statistics, of the immense cost in every department of State and municipal governments, that prostitution causes, and fully corroborates the foregoing statement.

Fourth—That with ample means at the disposal of the institution, a greater number of girls will be saved from entering the ranks of prostitution than will be reformed from the ranks of Magdalen asylums and all religious organizations combined.

Fifth—That of those already aided by the institution, not over five per cent. of them have gone into prostitution; that many of them are gracing comfortable homes, having given birth to legitimate children, while others of them give equal promise.

Sixth—That it is sound State policy, and more legitimate, to appropriate funds to aid in preventing crime, promoting virtue, morality, and good citizenship, than it is not to do so, trusting to punishments alone, thereby causing increased appropriations for prisons, hospitals, police, judicial, and all other paraphernalia requisite to control the vicious. The maxim that State aid should not be given to institutions which are not wholly under the direction of State officials is to an extent, true, but, like all general rules, has its exceptions.

Asylums for the insane, deaf, dumb, and blind, and for other unfortunate classes, would, in all probability, not now have been in existence had not enlightened and philanthropic individuals first organized and nursed them into maturity, aided by State and municipal authorities.

With our changeable political condition and mode of making appointments, it would probably have been impossible (if they had been originated by the State) for these institutions to now exist in anything like their present efficiency and usefulness. We beg to refer your honorable bodies to a copy of our report, made to the Legislature, which is hereto annexed, as an earnest of what we expect to do if we receive requisite aid. We therefore most respectfully submit the foregoing considerations, and ask your honorable bodies to appropriate twelve thousand dollars (\$12,000) for the fiscal years twenty-eighth and twenty-ninth, viz: Five hundred dollars per month for our current monthly expenses. The amount appropriated by the Legislature of eighteen hundred and seventy-three-four is about exhausted, leaving us with an empty treasury for the three last months of the twenty-seventh fiscal year.

Our expenses average about seven hundred and fifty dollars per month, consequently we shall be two thousand two hundred and fifty dollars in debt. In addition to this sum, we need seven hundred and fifty dollars to finish furnishing the premises last added, which aggregate three thousand dollars. We therefore ask your honorable bodies to appropriate this amount as a bill of relief.

All of which is most respectfully submitted.

TRUSTEES.

JAMES LINFORTH,
J. DARBROW,
R. G. DAVISSON,
SAMUEL COWLES,

D. COHN,
LAZARD FRERES,
JOHN BENSLEY,
SAMUEL I. C. SWEEZY,
JAMES R. KELLY,
S. HEYDENFELDT,
W. A. ALDRICH,
H. A. COBB,
E. R. CARPENTER,
H. GIBBONS, M. D.,
G. HOLLAND, M. D.,
LOUIS McLANE,
D. O. MILLS,
GEO. R. GRIFFITH, M. D.,
MONTGOMERY GODLEY,

A. WEILL,
W. SHERMAN,
H. N. W. CLARK,
B. H. FREEMAN.

J. S. HUTCHINSON,
P. SATHER,
J. M. McDONALD,
SAM'L HERMAN,
A. H. HARRIS,
F. F. LOW,
WM. ALVORD,
EDGAR MILLS,
W. BABCOCK,
IRA P. RANKIN,
THOS. HOPKINS,
JOHN PARROTT,
WM. M. LENT,
GEO. C. HICKOX,
L. B. BENCHLEY.

SAN FRANCISCO, March 9th, 1876.

REPORT TO THE LEGISLATURE OF CALIFORNIA OF THE SAN FRANCISCO LYING-IN HOSPITAL AND FOUND- LING ASYLUM, JANUARY, EIGHTEEN HUNDRED AND SEVENTY-SIX.

To the Honorable the Legislature of the State of California, eighteen hundred and seventy-five and eighteen hundred and seventy-six:

The undersigned Board of Trustees of the San Francisco Lying-in Hospital and Foundling Asylum beg leave to present the following report, showing the receipts and expenditures of the institution for and during the years eighteen hundred and seventy-four and eighteen hundred and seventy-five, together with the number of those who have been recipients of its charities:

Receipts for 1874-5.

Moneys received from State of California.....	\$5,700 00
Moneys received from all charitable sources.....	6,595 27
Moneys received from patients and their friends.....	1,972 00
	<hr/>
	\$14,267 27
Balance	2,737 84
	<hr/>
	\$17,005 11

Expenditures for 1874-5.

Indebtedness, January 1st, 1874	\$650 08
Wages of nurses and servants	6,191 00
Rent	4,038 25
Groceries and provisions	2,817 90
Fuel and lights	997 55
Repairs	651 60
Furniture, etc.	327 38
Incidental expenses, including repairs of various kinds, etc.	1,257 26
Cash in hands of Secretary	74 09
Total	\$17,005 11
Balance	\$2,737 84
Less cash in hands of Secretary	74 09
Indebtedness January 1st, 1876	\$2,663 75

We further report that there have been confined at our institution two hundred and sixteen mothers, who have been delivered of two hundred and twenty-three children.

Two hundred and seven infants have been deposited at the door of the institution, by parties to us unknown.

Whole number of infants, including those born in the institution, and those deposited at the door, four hundred and twenty-three.

Of these, twenty-one were still-born, or died as soon as born.

One was left at the door a corpse, with a note saying they were too poor to bury it.

Sixty-seven have, at divers periods, been taken away by their mothers or friends.

One hundred and thirty-eight we have given away, pursuant to the Act of the Legislature of the eighteenth of March, eighteen hundred and seventy. (Stats. 1869-70, p. 338.)

One hundred and ninety-six sickened and died, from one day old and upwards. Numbers of these were born in the hospital, or left at the door diseased; a few, apparently, premature births.

The persons to whom we have given these children are of the most substantial and worthy class of citizens. The children have taken the names of the donees, who are all severally obligated to rear and educate the children, as if born to them in lawful wedlock.

We have thus saved to the State and provided for the future support of one hundred and thirty-eight children; and from the hands of abortionists, and the dens of prostitution, scores of unfortunate women.

The beneficiaries were from all parts of the State. More than one-half of the mothers delivered in the institution were from counties other than San Francisco.

We have been able to save more than half of the children that have come to our care, which is a much better showing than has been made by any other foundling asylum of which we have any record.

The Trustees of the institution have at all times rendered their services gratuitously, as have also the Board of Physicians and Surgeons. The demands made upon the institution have been so great

that the receipts have fallen short of expenditures two thousand six hundred and sixty-three dollars and seventy-five cents.

The work we are doing is purely a charitable one. Every dollar of the funds contributed to the institution, whether by individuals or the State, has been economically expended in relieving the unfortunate. The amount appropriated by the Legislature of eighteen hundred and seventy-three-four, viz: two hundred and fifty dollars per month, ending June thirtieth, eighteen hundred and seventy-six, is only one-third of our current monthly expenses, and we have become involved in a debt of over twenty-six hundred dollars, and yet we need about eight hundred dollars to complete furnishing our premises, to enable us to accommodate all they are capable of holding, and which at seasons would be filled could they be furnished. But these patients added would increase our current monthly expenses. These demands compel us to further appeal to the sympathies of the benevolent for contributions, and to the munificence of the State for increased aid. We therefore feel compelled to ask your honorable body to appropriate, for the fiscal years twenty-seven and twenty-eight, twelve thousand dollars, viz: six thousand dollars annually for current monthly expenses, and two thousand six hundred dollars independently, as a bill of relief to enable us to extinguish our indebtedness.

It has been the custom of previous Legislatures to foster and pass bills of relief for other charitable institutions, in addition to appropriations for monthly expenses and building purposes, viz: Magdalen Asylum, Ladies' Relief and Protection Society, Orphan Associations, and several others; therefore, we appeal confidently to you to aid and foster this institution, as it knows no county boundaries; and for the classes it professes to aid, humanity—such as governed the good Samaritan—guides its work.

Independent of annual appropriations for orphan asylums, a fixed sum for each orphan is appropriated by a fixed law. Are not foundlings orphans?

HON. SAMUEL COWLES,
HON. H. H. HAIGHT,
H. K. W. CLARKE,
WILLIAM SHERMAN,
ALEXANDER WEILL,
JAMES LINFORTH,
R. K. DAVISSON,
E. V. HATHAWAY, M. D.,
JOSEPH DARBROW,
B. H. FREEMAN,
BENJ. F. HARDY, M. D.,
Board of Trustees.

REPORT
OF THE
SENATE SPECIAL COMMITTEE
APPOINTED TO INVESTIGATE THE MATTER OF THE SALE OF THE
TIDE AND SALT MARSH LANDS OF THE STATE.

REPORT.

Mr. PRESIDENT: Your special committee to investigate the matter of the sale of the tide or salt marsh lands of the State, respectfully report as follows:

Immediately after the appointment was made, we gave notice through our Chairman that we would, upon a day named, visit San Francisco, for the purpose of making the investigation and giving every one an opportunity to be heard before the committee.

The whole committee, in a very few days thereafter, repaired to San Francisco for the purpose of making as thorough an examination of the questions before them as possible.

The public press of San Francisco had called attention to the whole matter before the appointment of the committee, and gave general notice to the public of the time and place of meetings of the committee, so that every one was afforded a fair opportunity to be heard, and a great many persons availed themselves of it. The committee used every endeavor to possess themselves of all information within their reach touching the matter. They devoted all the time to the subject that the pressure of their other duties would allow. They sat in San Francisco until all the testimony that could be reasonably produced was heard, after which they adjourned to meet at Sacramento, where they met from time to time, until they were satisfied they had taken all the testimony that could be of reasonable service in the premises, taking into consideration the time at their command. The committee, in the discharge of the duty imposed upon them, examined many maps, records, deeds, and documents, took four volumes of oral testimony, amounting in the aggregate to six hundred and seventy-seven pages of written matter, and in addition thereto, they went upon the ground embraced in the Ellis deeds, in order to personally inspect and examine the condition thereof.

The late Board of Tide Land Commissioners were acting under the Act of the Legislature of the State of California, approved March thirtieth, eighteen hundred and seventy-four—found in the statutes of eighteen hundred and seventy-three-four, page eight hundred and fifty-eight. That Act, by its second section, gave to the State Board of Tide Land Commissioners the power and duties of the old Board of Tide Land Commissioners. The fourth section gave the said Commissioners, or a majority of them, power to compromise with any adverse claimants to any portion or portions of tide lands under

their control, whenever and on such terms as they may deem most conducive to the interests of the State. All such compromises to be by the advice of the Attorney-General of the State.

At the same session of the Legislature, and on the twenty-seventh day of March, eighteen hundred and seventy-four, another Act was passed, granting the tide lands in Channel street and Mission Creek, between Ninth and Eighteenth streets, to the City of San Francisco, and vacating said Channel street and Mission Creek as a highway between said points, and authorizing the city to divide the same into lots and blocks and sell it. (Statutes of 1873-4, pages 712 and 713; Sections 2 and 3 of said Act.)

The city authorities, under the last-named Act, did divide these lands into proper subdivisions, and laid down the proper streets through to them, in accordance with the plan of the city, in the vicinity of Channel street and Mission Creek. This Act, in the opinion of your committee, took all of the tide lands in Channel street and Mission Creek, between Ninth and Eighteenth streets, from the control of the State Board of Tide Land Commissioners (and from the control of the State), and vested the title thereto in the City and County of San Francisco, subject to the disposition by the Board of Supervisors of said city and county, as directed in said Act. "The State Board of Tide Land Commissioners" organized under the Act of March thirtieth, eighteen hundred and seventy-four, above referred to, and thereafter offered a considerable quantity of tide land for sale at public auction. These auction sales took place in November, eighteen hundred and seventy-five. We have given such auction sales quite a searching examination, and while your committee have found that quite a number of lots of land were knocked off at such sales to different men from those who received the deeds from the Board, we have been unable to discover any fraud. The practice seems to have been to give the final deed to the assignees of the original purchasers, in pursuance to a practice that had been indulged in by former Boards; and in several instances lots purchased at the sale and not paid for on the day of sale, were on the next day put up and resold for a less price than first bid. The practice was loose and hardly in strict accordance with a wholesome rule of procedure.

By these sales some twelve thousand nine hundred and seventy dollars and fifty-nine cents were realized, as shown by the supplemental report of the Commissioners, made on the sixth of December, eighteen hundred and seventy-five.

There were some other sales made to Messrs. Duane and Hearst, of lands about which there was a contest before the Board by several claimants, and the committee is inclined to the opinion that the award to Duane and Hearst was, under the circumstances, correct, at least we have been unable to discover any positive unfairness or oppression in the sales, although considerable testimony was taken in regard to them. It was soon developed in the examination that a considerable quantity of these tide lands of great value had been (by a kind of general residuary sale) conveyed to one George W. Ellis. As to this sale, a very large amount of testimony was taken, a considerable portion of which was conflicting and contradictory. The Ellis sale was the last one made by the Board, from which, according to the deeds, was realized the sum of five thousand seven hundred and forty-six dollars and ninety-six cents.

The lands embraced in the deeds are the whole of Old Channel street and Mission Creek, between Ninth and Eighteenth streets, except such portions as were taken by the new streets laid out by the city authorities, as above set forth, and except, also, a small portion of Old Channel street, or Mission Creek, bounding on Mission blocks forty-two and one-half, forty-five and forty-six.

These deeds also embraced some closed up streets in Mission Bay—blocks one hundred and thirty-three, forty, and forty-one, and also the greater portion of Mission block fifty-nine, a large portion of the west half of block sixty, and a large portion of the west half of block forty-nine, together with some small portions of New Channel street. This sale was authorized (or rather made) by the Board at their last meeting in San Francisco, upon the records of the Board, at page two hundred and ninety-two. Under date of November twenty-fourth, eighteen hundred and seventy-five, we find the following entry:

"In the matter of the application of George W. Ellis, on motion, it was ordered that the engineer denominate all parcels of land included in the preëmption claim of said Ellis and others, as per record in liber B of Miscellaneous Record, page six hundred and sixty-five, Recorder's Office, City of San Francisco, which have not heretofore been disposed of by the State of California through the Board of Tide Land Commissioners, and that said Ellis be allowed the privilege of purchasing all the right, title, and interest of the State of California thereto, at the rate of four dollars per one thousand square feet."

From the evidence taken it appears that the above was not embraced in any formal motion made before the Board, but that it was written up from rough memoranda kept by the Clerk or Secretary, as expressing in a formal way the conclusion of the Board on the question.

It further appears, from the evidence, that Allardt, the engineer, was ordered to lay down on a map all the unsold lands, so that proper descriptions could be made of the lands ordered to be conveyed to Ellis.

Mr. Allardt says the instructions to make the map came from Secretary Russell.

Mr. Allardt further states that he was instructed by Commissioner Green to include the land in Mission Creek; that being in doubt, he went to Green for instruction. He also states that he produced the statute of March twenty-seventh, eighteen hundred and seventy-four, and informed Mr. Green of it, which Act conveyed Mission Creek to the city, as before stated.

Mr. Green denied it, and Allardt was then uncertain whether Green got the information, but was certain he opened the book and showed the statute to Paul Neuman in Green's presence—that Neuman read it, but he cannot say if Green heard it. We might say here, it appears strange that the Commissioners, and even the Attorney-General, were all ignorant of the Act, and yet this engineer and the Secretary Russell both knew of it, and the matter becomes a wonder when we take into consideration the fact that no offer, or attempt was ever made before the Ellis sale to sell the lands in Mission Creek, or any part of them. Acting under the instructions received by him the engineer, Allardt, prepared and filed with the Board two maps, exhibiting the unsold portions of tide lands afterwards included in the Ellis deeds.

One was quite a large map, and was used before your committee,

and marked "Exhibit A." This map included Mission Creek from Ninth to Eighteenth streets, and also Mission blocks forty-nine, fifty-nine, and sixty.

The other was a much smaller map, some two feet square, upon which was laid down three small pieces of land included in the Ellis deeds, being parts of closed streets in Mission Bay blocks forty, forty-one, and one hundred and thirty-three.

Both these maps were returned to and filed with the Board before the Ellis deeds were drawn or signed, and the descriptions were made up from the data furnished by said maps. It will be observed that by the entry on the minutes of the Board, Mr. Ellis was to be allowed to purchase as much of the unsold tide lands as were embraced in the preemption claim of Ellis and others, as per record in liber B, of Miscellaneous Record of San Francisco, at page six hundred and sixty-five. It was the united testimony of all the members of the Tide Land Board, and of their Secretary and Clerk, that they did not pay any attention to the claim of Ellis whatever, did not consider it of any value, and that they never could ascertain what it covered, or where located. This lead us to inquire into the Ellis claim, and upon this question we took much testimony, called people before us who have been familiar with the territory covered by the Ellis deeds, from which it was made clearly to appear to your committee that the claim of Ellis was a mere pretense, and never had any substantial foundation in law or fact. As to Mission Creek, it was shown that it was a navigable stream in law and fact, from its mouth up, even as high as Eighteenth street, and so remained until at a comparatively recent period.

It was further shown that there were older claims than Ellis', conveying the whole of these lands, and that the owners of such claims, and those claiming under them, had improved and built up the country, while Ellis had done comparatively nothing.

We procured a copy of the document referred to in the resolution as the Ellis preemption claim, which is herewith presented, marked "Exhibit D." It was dated August eighteenth, eighteen hundred and fifty-three, and purports to be made under the Act of the Legislature of April twentieth, eighteen hundred and fifty-two, but is in distinct violation of this Act, is made in the names of three different persons, has no intelligent description, and was, in the judgment of your committee, utterly worthless. Another possessory claim in the names of Ellis & Kleenskroth, dated July twenty-first, eighteen hundred and fifty-three, which was in pretended compliance with the same Act of eighteen hundred and fifty-two, and is equally worthless, in the judgment of your committee, for the reasons already given. A copy of this instrument is herewith presented, and marked "Exhibit D²." It appears from the testimony that Ellis, prior to the Duane and Hearst deeds, as well as prior to his own award, had been often before the Board; but the Board had considered his claim of no value, as having neither legal validity or any local habitation. No one was able to locate it. It appeared from the testimony of Charles P. Duane, and from documents, that there was an arrangement entered into between Ellis and Duane, that Ellis was to withdraw his claims to the lands claimed by Duane. Under this arrangement Ellis made a deed to Duane dated September twenty-first, eighteen hundred and seventy-five, of blocks two hundred and seventy-one, two hundred and seventy-two, two hundred and forty

two, and two hundred and thirty-five; that in consideration of this deed, Duane was to assist Ellis in getting the balance of his claim through.

W. H. Patterson was the counsel for Duane, and Duane advised Ellis, as his (Ellis') lawyer was an old man, that he had better get others to assist him; whereupon Duane advised Ellis to secure the services of W. H. Patterson and Creed Haymond, and it was finally agreed to secure their services in the matter, which was done. This was accomplished by Ellis deeding to Duane the one-half of his remaining claim. Duane paid no money for either of these deeds. Duane then completed his arrangement with Patterson and Haymond in behalf of Ellis, and in pursuance of that agreement Duane deeded to Creed Haymond the one-half of his interest in the Ellis claim, through the deed from Ellis to him of the twenty-first of September, eighteen hundred and seventy-five, above referred to; but in this deed the date of the Ellis deed was erroneously stated to be October twenty-first, eighteen hundred and seventy-five, instead of September twenty-first, eighteen hundred and seventy-five.

The deed to Haymond was dated the fifteenth of November, eighteen hundred and seventy-five. Duane conveyed to Patterson his other half of the Ellis claim about the same time, so that at the time of the award and deeds to Ellis he had but one-half interest in this claim, and Haymond and Patterson the other half.

There was evidence before the committee of several consultations between Duane, Haymond, and Patterson as to the Ellis claim, but we could not find that either of these lawyers ever appeared before the Board to urge said claim, or did anything else in its behalf. What service they rendered for these deeds we have not ascertained.

From the testimony taken, it seems that the people affected by the Ellis deeds had no warning as to approaching danger, as none of the lands conveyed to Ellis had ever been offered for sale, or, if any had been offered, they had been withdrawn. True, some persons in block fifty-nine, out of excess of caution, had gone to the Board and obtained deeds of their lots for a small consideration. Some of the members of the Board claim that reasonable notice was given. We think not, so far as we could learn from patient inquiry, taking into consideration the lands affected by these deeds.

A specimen of the notice given has been furnished us. It is as follows:

"The owners of lots south of Market, north of Nineteenth, and west of Third streets, who have not acquired the State title, are requested to bring their deeds and obtain information at the office of the Tide Land Commissioners, seven hundred and fifteen Clay street."

Such notice is indefinite, and signed by no one, a notice not likely to attract attention.

It further appears from the evidence before us, that Ellis has obtained deeds to land of great value, upon which costly improvements have been made by people in good faith, for a mere nominal sum; and that a great outrage has been perpetrated on an unsuspecting people. We found much of the property conveyed by the Ellis deeds well improved and people living on it. Mission block fifty-nine was purchased by the Howard and Folsom Streets Property Union, in eighteen hundred and sixty-eight, and at the time of the purchase had Messrs. Boyd & McCullough examine the title, who pronounced it good. This company paid eighty-one thousand dol-

lars for the property; filled it in at an expense of seventy-five thousand dollars; and had expended other sums in taxes, etc., so the property had cost them, at the time of the Ellis sale, some one hundred and fifty-six thousand dollars. There are several residences on this block, owned by different citizens.

The value of the lots in this block, covered by the Ellis deed, was estimated by good judges, under oath, to be from seventy-five thousand dollars to eighty thousand dollars.

Mission block sixty was fenced in in eighteen hundred and seventy, had been filled at a cost of thirty thousand dollars. The portion of this block conveyed to Ellis was worth, without the buildings thereon, from twelve thousand dollars to twenty thousand dollars, and with the buildings thereon, some eighty thousand dollars.

Mission block forty-nine has been filled in for about ten years, at a cost of eight thousand dollars to ten thousand dollars. The portion conveyed to Ellis is worth about twenty thousand dollars, and belongs to the German Savings Bank. It will thus be seen, leaving out of the estimate the value of old Channel street and Mission Creek, and the three small pieces of land, being parts of closed streets, Ellis was making quite a nice speculation in well-improved property ready for private use or rent.

The committee examined, under oath, every member of the Tide Land Board, and they, one and all, seemed to be astonished to find out what they themselves had done. Ex-Governor Pacheco stated that he was surprised when he learned from the papers the extent of the grant made to Ellis; that he did not know a foot of the land; said that after the auction sales he asked if there was any land left, and the Secretary informed him that there were a few triangular pieces; that it was proposed to convey these small pieces to Ellis—pay him off with a shilling—which was agreed to; that a few days before he went out of office, being in the Governor's office, in Sacramento, the other Commissioners came in with Ellis and the Secretary, having some fifteen or twenty deeds, and he was requested to sign them; that he said, "Gentlemen, I suppose these are all right?" that he was assured they were, and signed them without reading them or knowing their contents; that he supposed they were conveying to Ellis only some small triangular pieces, and that he never knew of the existence of the Act making the grant of Mission Creek to the city. Says the deeds were presented to him for signature by the Secretary, Mr. Green, and Mr. Gardner.

Ex-Controller Green states that he never saw the map "Exhibit A," until after the papers began to attack the Ellis sale; that he never knew what the Ellis claim contained; that he tried to have the Attorney-General advise the Board, but could scarcely ever find him; at last succeeded in getting him to write a short direction, which was copied in the minutes of the Board, at page two hundred and eighty-nine, which is as follows:

SAN FRANCISCO, November 5th, 1875.

I hereby advise the State Board of Tide Land Commissioners to dispose of all lands where there is no litigation, and where they can ascertain to whom the State title ought to go in pursuance of the tide land Acts.

JOHN L. LOVE, Attorney-General.

Green states that he knew nothing of the Act making the grant to the city; that he signed the Ellis deeds, not knowing what they contained; never read them. Mr. Green further states, that the on

map before the Board about the Ellis sale, was the small map, showing the three small pieces of land conveyed to Ellis; that the Attorney-General showed an unwillingness to attend the Board; said it was none of his business. He further stated that when the sale was made to Ellis, he had no idea they were conveying to him what it has since transpired they did convey by those deeds.

Ex-Attorney-General Love testified that he never knew of the Act making the grant to the city of Mission Creek; that he considered Ellis' claim the merest nonsense, and refused to sign those deeds and many others.

Ex-Surveyor-General Gardner swears that he never saw the map "Exhibit A," until after the Ellis sales were denounced in the papers; that the only map he saw was a small one, which he requested Mr. Russell to bring to Sacramento with the deeds, but it was not done, and he signed the deeds without reading them or knowing their contents; and had he known their contents he would not have signed them; that he was deceived, but by whom, he does not know; that he knew nothing of the Act making the grant to the city; that he had no idea they were conveying to Ellis any part of Mission Creek, nor anything else, save two or three small triangular pieces of land represented on the small map. He further stated that he never told Governor Pacheco that the deeds were all right.

The Ellis deeds (copies of them) are herewith presented; one contains thirteen pages and the other fourteen. And your committee think it a little strange that these Commissioners should sign deeds as voluminous as these were without reading them, when they all seemed to be sure that the award to Ellis was of two or three small triangular pieces of land. Prudent men, it does seem to us, would feel curious to know how it could take two voluminous deeds to convey three small pieces of land.

It further appears to the committee that all these officers were grossly negligent in this matter, and took no care to see what they were doing.

In conclusion, your committee submit the following:

First—That the Ellis deeds convey no title to any part of Mission Creek or old Channel street, for the reason that by a legislative grant the title to the same was conveyed to the City and County of San Francisco prior to the organization of the Board, and it was not in the power of the Tide Land Board to convey it to Ellis.

Second—That the deeds to blocks forty-nine, fifty-nine, and sixty conveyed no title, as said lands were neither tide lands nor salt marsh lands, and not in the power of the Board to convey.

Third—That the testimony taken, together with the deeds, should be turned over to the Attorney-General of the State, and that he be directed to take such action in the premises as he may be advised is proper to remove the cloud of the Ellis deeds from Mission Creek, and also from Mission blocks forty-nine, fifty-nine, and sixty; and in furtherance of that idea, we herewith present a resolution. All of which is most respectfully submitted.

MCCOPPIN, Chairman.
LAINE,
LINDSEY,
EVANS,
O'CONNOR.

R E P O R T

OF THE

ASSEMBLY COMMITTEE ON EDUCATION

RELATIVE TO THE

**STATE UNIVERSITY, NORMAL SCHOOL, AND INSTITUTE
FOR THE DEAF AND DUMB, AND THE BLIND.**

REPORT.

Mr. SPEAKER: Your Committee on Education, having visited the State University, State Normal School, and Deaf and Dumb Asylum, beg leave to submit the following report:

THE STATE UNIVERSITY.

We first visited the State University, at Berkeley. We found President Le Conte industriously engaged in the discharge of his duties. After a cordial reception, he proceeded to conduct us on our tour of inspection. We found the College of Letters in an excellent and flourishing condition, and take pleasure in commending the faculty for their ability and enterprise in conducting and promoting that department. The class-rooms are admirably arranged, and well ventilated; but many of them are too small to properly accommodate the large number of pupils now occupying them. This is especially true of the assembly chamber, in which the pupils congregate to attend lectures, entertainments, commencement exercises, etc. When the building was erected the patronage of the College was comparatively small, and its dimensions were ample for all requirements; since that time, its growing usefulness and increasing popularity have drawn to it a far greater number than that for which it was at first intended. As the question of furnishing accommodations properly belongs to the Committee on Public Buildings and Grounds, we leave all recommendations to them. We next visited the College of Agriculture. In this building we found the University library. It occupies about one-fourth of the first floor, and yet it is filled to inconvenience. Immediately above it is the museum, occupying a room of about the same size with that of the library. It contains assorted specimens of the various minerals of the earth, together with a large number of curious fossils, and interesting relics of extinct animals; and, also, specimens of rude works of art executed by human hands in ages past. The upper story of the building is used almost exclusively as a store-house for an unassorted mass of mineral specimens and relics. The remainder of the building is occupied principally by the chemical laboratories, which are extensive, and well arranged, and two lecture-rooms, one of which is devoted exclusively to the use of the Professor of Agriculture.

So far as the space allowed to those engaged in studying the science corresponding with the name of the college is concerned, we believe

that it would be sufficient, provided that the pupils were required to apply the theories therein learned to actual practice on the college grounds and farm. The appearance of the grounds, however, proves that if the idea of combining the teaching of the theory of agriculture with actual practice in it ever entered the minds of those in charge, it was either dismissed without trial; or if tried, proved a disastrous failure. No perceptible effort has yet been made to beautify the grounds in any way; they still slumber beneath the mantle which nature has spread over them. True, there is a little forest of young trees growing up in front of the buildings, but they are scattered promiscuously about, without any regularity of arrangement, and apparently "without master or keeper, only Him that made them and gave them that home." The farming there consists of the cultivation, by hired labor (not students) of the spots of land on which either trees were not planted, or, if planted, did not grow. We believe that this kind of backwoods farming, while it may be less troublesome than the more approved plans, is not calculated to inspire students with any profound respect or love for agricultural pursuits. In justice to the management, however, we take pleasure in stating that they are putting the horticultural department of this college in good shape, and are preparing it for practical use. Our investigations satisfied us that, while but little has been done in the way of putting the College of Mining and Mechanic Arts in practical operation, the fault does not rest with the management, since the State has not made any provision for erecting the necessary buildings. Considering the overcrowded condition of the building known as the College of Agriculture, and the consequent crippling of the usefulness of that institution, and also the necessity of fostering and encouraging the study of those sciences and arts, a knowledge of which will enable the rising generation to develop and utilize the resources of our country most successfully, we join with the Committee on Public Buildings and Grounds in recommending that steps be taken to construct a suitable College of Mining and Mechanic Arts.

During our stay we had the pleasure of witnessing the students going through the evolutions of the regimental drill. They appeared to fine advantage, and executed the orders of their commanding officers with more than ordinary promptness and accuracy. If the general discipline of the University compares at all favorably with the conduct of the students on the occasion of our visit (and we have no reason to believe that it does not), the President and Faculty have every reason to feel proud of our California boys, and also of their own success as disciplinarians. When the Agricultural, Mechanical, and Mining departments take the position which they were originally intended to occupy, our University will be a pride to California, and a model for older and wealthier States; but until they do, the merit, the worth, nay the unqualified superiority of her classical and literary departments cannot atone for wasted opportunities and willful sluggishness in the departments of practical science and art. As a full and complete report of all matters connected with the University has been made by the Regents, and placed upon the desks of the members of both Houses of the Legislature, we respectfully refer you to it for all details connected with the management of the institution, and confine ourselves to general considerations.

THE DEAF, DUMB, AND BLIND ASYLUM.

We next visited the Deaf, Dumb, and Blind Asylum. We found Professor Wilkinson and his assistants at their posts, industriously discharging their arduous duties. We found the institution in good condition, considering the overcrowded state of the present building. We found the students in good spirits, apparently as happy and contented as it is possible for those afflicted as they are, to be. We were greatly surprised by the wonderful progress made by the students in the various branches of learning, and take great pleasure in commending the systems of teaching adopted and pursued by the Professors with so much success; and we especially commend the manner in which the pupils have been taught the higher branches of learning, believing, as we do, that the communication of a knowledge of these branches will serve to open up a world of thought to the minds of those unfortunates which may serve to relieve them, in a measure, from the terrible consequences of their affliction. We found nothing to deprecate in the management of this institution, and have therefore nothing to recommend (in the way of change) concerning it. The temporary building erected to supply the place of the one destroyed by fire is entirely too small for present requirements; and we therefore join with the Committee on Public Buildings and Grounds in recommending a liberal appropriation for the erection of suitable buildings for the accommodation of the inmates.

THE STATE NORMAL SCHOOL.

Our next and last visit was to the State Normal School at San José. Mr. Ryland, one of the Normal School Trustees, kindly escorted us to the school, where we found Professor Allen, the Principal, at his post. After a cordial reception, we proceeded to visit the class-rooms. We found them all in excellent order, and if we may be permitted to judge from the brief examinations which our limited time allowed us to make, we believe that the pupils are making rapid progress in their studies. We feel constrained to remark here, that if appearances be any index to worth of character, the people of California may well feel proud of the large number of promising young ladies and gentlemen, who are preparing themselves for the important office of developing and training the intellects of the children, the future citizens and rulers of this great State. As in the case of the Deaf, Dumb, and Blind Asylum, we have no recommendation to make in regard to the management of the State Normal School; but as its efficiency has been somewhat crippled in consequence of an inadequate appropriation for the past two years, and as the number of pupils has increased twenty-five per cent. during that time, we recommend that an appropriation of fifty thousand dollars be made for its support during the two fiscal years ensuing.

JAMES G. MAGUIRE,
J. D. COLLINS,
J. B. REDDICK,
J. M. COVINGTON,
J. M. BRICELAND,
CHARLES WOOD.

REPORT
OF THE
ASSEMBLY COMMITTEE,
TO WHICH WAS REFERRED THE
MEMORIAL OF THE CALIFORNIA WOMAN SUFFRAGE ASSOCIATION.

REPORT.

Mr. SPEAKER: Your committee to which was referred the memorial of the California Woman Suffrage Association, petitioning:

First—The adoption of a constitutional amendment permitting women to vote on the same terms and conditions as men; and

Second—The repeal of all statutory laws, within constitutional limits, which discriminate against the rights of women; and

Third—Such enactments on the part of this Legislature as will confer upon women the right to vote in this State at the coming general election for Presidential electors, and, by inference, for other public officials;

Have had the same under consideration, and beg leave to submit the following report:

The unequal distribution of political powers, clothing the possessors thereof with authority to nominate rulers and determine the policy of the several governments of both continents, has been a great source of popular discontent and sanguinary revolution. Though often defeated, the result shows the disfranchised class continually growing smaller, while what is popularly termed "the ruling or privileged class" is gradually increasing in numbers. Formerly the struggle for political recognition and political equality was confined exclusively to men, but recently—and particularly since the adoption of the fifteenth amendment to the Constitution of the United States, by which a large class, without any previous training, was clothed with all the vestments of citizenship—a large and influential portion of American citizens claim that great injustice is done to the intelligent wives, mothers, and daughters of the nation, by denying them the privileges of the ballot-box and official recognition in all or any of the departments of government.

Others, taking higher grounds, hold that in a republic, "where all just power is derived from the consent of the governed," and the right being confined to no one class, sect, or sex, women are as much entitled to a voice and representation in the government as men.

That this question is slowly but surely pressing itself for political recognition, must be evident to the most casual observer. Already it has in some form commanded attention at the hands of several Legislatures of the States of the Federal Union. While in the United States but two Territories have conferred the right to vote upon women, the discussion of the question has already done much in securing liberal legislation in her behalf by enlarging her personal and property rights; opening the doors of many colleges and univer-

sities for her equal admission; allowing her to engage in numerous industrial pursuits which were formerly considered unsuited either to her taste or capacity; welcoming her into the professions of medicine, divinity, and law, and giving her almost a monopoly of imparting instruction in the public school department. In this connection it is but justice to her to add, that in whatever new calling or department she enters, she proves herself equal to the demands of her position. And, as intimated above, the question as to women voting, acting as jurors, or performing other functions of a public character, is no longer confined to abstract theories, but has been reduced to actual practice.

For more than four years women have voted on the same terms as men in the Territory of Wyoming, and the Governor, Chief Justice, and other high officials in that jurisdiction, have been loud in their praise as to her beneficial influence upon the administration of public affairs, and that, too, without detriment to her womanly characteristics.

For several years women have voted in the Territory of Utah, and the only charge that has been urged against her political action is, that she has exercised her influence politically to promote Mormonism and the institutions which it fosters, and which, to her, are the highest ideals of religion and morals—a charge, too, that, in the advocacy of some principle or other, can be urged against every honest voter.

For several years the women of England have been on an equality with the male voters, when voting upon municipal, educational, or parochial matters; and statistics show that nearly as large a per cent. of them exercise their political prerogative as men.

So wisely and humanely have the women wielded their newly-acquired political power; so earnest have they been in the interest of morals and good government; in their efforts to promote popular education; to ameliorate the condition of the pauper and the criminal classes, that a very large and influential minority of British statesmen contend that the government would be the gainer by conferring upon them all the political rights possessed by men; and, therefore, advocate their full enfranchisement.

Recently, in the British Parliament, Mr. Fawcett's "Women's Disabilities Bill," which swept away all political distinctions between the sexes, received in its favor one hundred and fifty-two votes to one hundred and eighty-seven vote against it, from which it will be seen that a change of eighteen votes would have politically emancipated the women of Great Britain. In Switzerland, Holland, and Austria, women vote upon a property qualification.

That woman suffrage will force itself upon the Legislature and demand some definite action, at some time in the near future, the committee is not disposed to dispute. Neither does the committee consider it within the province of this report to discuss whether women will or will not exercise a beneficial influence at the polls on days of elections, and at the same time, either increase or decrease our estimate as to her womanly qualities and feminine graces. Notwithstanding the concessions that are made to the woman suffrage idea, the committee is very decided in its convictions, that the prayer of the memorialists for the adoption and submission of a constitutional amendment, should not be granted, on the ground that the people of California are not prepared to give such a proposition

favorable consideration, and also, on the ground that the best interests of our political government would be subject to a questionable stability by the introduction of so radical a change in our suffrage element.

Public opinion is decidedly averse to such a movement, believing, as the masses do, that the movement is confined to a very small minority. In no State, where the question of allowing women to vote has been submitted to the people by the Legislature, has it received anything like a respectable vote; as in Kansas, Nevada, and Michigan. To submit this question at the present time, with the assurance that it would receive but a very small vote, would be trifling with both the time and opinion of the public.

It is probable that within a short period of time there will be a convention to revise the Constitution of California, and it will be within the province of that body to thoroughly consider and pass upon the merits of this, with other subjects of a public nature.

It is doubtless within the power of this Legislature, under the provisions of section one of Article II. of the Constitution of the United States, to confer upon the women of this State the right to vote for Presidential electors at the next general election; but, also, the next and succeeding Legislatures would have an equal right to repeal any such law.

A joint special committee of the Legislature of Connecticut unanimously reported a bill to give a vote to the women of that State in Presidential elections, but it was indefinitely postponed in the lower branch by a vote of one hundred and two to eighty-two.

As the members of this Legislature were not elected upon this issue, and the people are not in accord with the woman suffrage idea, the committee is impelled, by the reasons above stated, to recommend the denial of this part of the memorial.

But while the committee urge their objections to woman suffrage, it favors the repeal, within constitutional limits, of all laws which unjustly discriminate against woman as an individual. The committee believe that the present law, which virtually breaks up the home on the death of the husband, and throws the common property of husband and wife into probate, for settlement and distribution, works great hardship on widows and orphan children. Instances are numerous where large estates have been by incompetent or dishonest executors entirely consumed in their administration.

It is generally conceded that the family is the feeder of the State. From it the government draws its inspiration of honor and justice, freedom and patriotism. It is upon the inclination and capacity of the heads of the family, to properly provide, elucidate, and direct the youth of the household to the age of manhood or womanhood, hinge the great interests of the State, for weal or woe.

In the highest sense of the term, there can be no family without a home, for it is the necessary foundation for the upbuilding of the social superstructure. Neither can there be a home, in the true sense of the word, without locality, shelter, and the necessary surroundings which will make it genial, pleasant, and attractive. It is the place of all others that should be dedicated to growth and development, culture and refinement, order and respect for authority.

As liberty is the natural and inalienable right of every man, so is a home the natural and inalienable right of every family. Inspired with this exalted conviction, the founders of this commonwealth

provided the homestead, and its necessary appendages should be placed beyond the grasp of exacting conditions and the reach of distraining officers.

The Code provides that the joint earnings of husband and wife shall be community property, in which each shall have an equal interest, recognizing thereby that the wife is an equal co-worker with the husband in building up the family interest.

In the interest of both, the law allows the husband absolute control of the common property, but so vigilantly does it guard the home that it will not allow the husband, however pressing his pecuniary and business necessities, to encumber or sell the homestead without being joined by his wife, and when the husband dies the homestead becomes the property of the wife by operation of law. The Code wisely provides that when the wife leaves the family by death the common property shall, without administration, belong to the husband, which enables him to retain the balance of the family under his general care.

But this just and humane provision is changed when the husband dies, when the double duty of father and mother is imposed upon the wife, by her widowed condition, to look after the home and provide for the family. Just at the time her greatest affliction presses heavily upon her, in steps the officers of the law, who throw the common property into probate, the estate is settled, and whatever of its proceeds remain are distributed, while the sorrowing and bereaved widow is often treated more like a stranger than a proprietor. The effect of probating the estate, on the demise of the husband, through ignorance, fraud, delays, exorbitant fees, and various other injurious operations, is often ruinous to the estate; but the greatest of all the calamities which spring from this unwise, unjust, and cruel system is its tendency to lessen and greatly weaken the resources and attractions of a home, or to break up, scatter, and virtually destroy the unity or oneness of a family.

The committee is unable to see why the rule which gives the common property to the husband on the wife's death, should not be made to apply to the wife on the husband's death; why the widow should not be permitted to wind up or continue the business of her deceased husband, according to the various circumstances which may exist at the time, seeking such advice and assistance as men do under similar conditions.

That woman is, as a general thing, great economists and good managers, making the most possible out of her slender resources, has good judgment, temperate and industrious habits, the facts of history roughly establish, and it is an equally well-established fact that mothers are as devoted to their children, and will make as great sacrifices to advance their interest as fathers.

Educated in the same school with their brothers, instructed in the same elementary branches of learning, and equally proficient with them under similar opportunities, when those school girls become wives and mothers, with numerous cares and responsibilities imposed upon them in the management of their household affairs, who largely partake of the peculiar characteristics of ordinary business, why may they not be able, when thrown into widowhood, to as successfully employ their experience, tact, and skill, and with as much efficiency, economy, and order in the management of the common property, be the same more or less, as the average man, who, with

experience, suddenly comes into the possession of an estate by inheritance, or otherwise. If the Code shall provide that the widow succeeds to the common property, without administration, on the death of her husband, would not the husband, while living, be induced, by his affection both for his wife and children, earnestly to labor to instruct her in his methods of doing business, keeping his accounts, and studiously keep her informed of his investments, his liabilities, and of his general business operations?

If the law should impose these new duties and responsibilities upon widows, would not wives be stimulated to thoroughly inform themselves on those business matters, which a future contingency would make it necessary for them to understand?

The numerous modern inventions of an industrious character have greatly relieved woman of much of the domestic labor imposed upon her in former times. Restless and impatient with the leisure which the new conditions afford her, she is now passing into pursuits which were formerly considered unsuited to her capacity, and tending to subvert her womanly characteristics. She is now, in fact, engaged in almost every industrial pursuit, business calling, and professional department. It is now generally admitted by those who have informed themselves of woman's versatility of character, that her tact, business sagacity, industrious and temperate habits, indicate that she has both the disposition and capacity to manage her own business with earnestness, care and discretion. As the public is generally well informed upon the evils of the present system, which dissolves the family estate, and often virtually breaks up and destroys the home, to the great injury of the widow and the loss of home associations, home influences, and home advantages to the children, the committee does not consider it necessary to enlarge upon this branch of the subject. Neither does the committee deem it necessary to add more as to the general capacity and earnest disposition of wives and widows to look out for themselves, and particularly for the interests of their children. Instances are numerous where widows have rescued and redeemed estates which were largely, and sometimes almost hopelessly involved by the inefficiency or mismanagement of their deceased husband; when wives who, while their husbands lived, suffered privations and want, but when thrown into widowhood did business on their own account, educated their children, and saved money.

In conclusion, your committee are ready to recommend any legislation which tends to better the condition of women in a legal aspect of the question, and which will add to the sacredness of the marriage relations, or which will invest the wife with as many of the rights and privileges of the husband as is consonant with public policy and the best condition of sound government.

All of which is respectfully submitted.

YOUNG,
REDDICK,
DIXON,
Committee.

R E P O R T

OF THE

SENATE COMMITTEE ON EDUCATION,

RELATIVE TO

ASSEMBLY BILL NO. 374.

REPORT.

Mr. PRESIDENT: Your Committee on Education have had under consideration Assembly Bill No. 374, and have given to it such attention as the magnitude of the interests involved requires.

The bill proposes a radical change in the management of the educational interests of the State by abolishing the Board of Trustees of the Normal School, the Board of Regents of the University, and creating one elective Board to manage the common school department, the Normal School, and the University.

One of the evils of our system of government, which has not escaped the attention of ordinary observers, is the disposition to experiment and change in legislation and in organizations of every character under public control.

The old maxim, which has lost none of its force, that "the world is too much governed" would need no further illustration than a glance at the mass of legislative enactments produced in this State during its brief existence. So true is it that we have suffered from a plethora of legislation, that there has been a constant protest by the public against the continual changes made at every session, in every direction, in proceedings in Courts of justice, and in the management of public institutions. Probably no measure ever presented to the Legislature more strikingly exemplifies this tendency than the bill under consideration.

No interests in the State are more sacred than those which pertain to the education of the people; none have a closer relation to the well-being of society, or a more important bearing upon the future character, the progress, and position of the State. There are no institutions which ought to be more jealously guarded against improvident changes and injudicious experiments.

There have been too many school laws enacted already in this State, and every official, upon his election to the Superintendency of the Department of Public Instruction, seems desirous to signalize his accession by what is called, in English, reorganization, and in French is known as *bouleversement*. The people are tired of these continual changes, and desire nothing more than to have educational institutions established upon a permanent system.

The arguments in support of the bill have failed to convince your committee that any useful end would be served by its enactment. The common schools are thriving, and the system of elementary instruction is rapidly becoming adequate to the public wants. If the vexed question of text-books requires any further legislation it had better be treated as a separate question, than to be made a lever for

turning our educational institutions upside down and substituting inexperience for that experience which is the result of years of labor.

The present system of managing the State Normal School is certainly preferable to the one proposed. A Board of Trustees, having a single interest in charge, will doubtless acquire more familiarity with its wants than a Board having a multiplicity of such institutions under its control. It requires some years of experience to become familiarized with the workings of such an institution, and the same argument against frequent changes in its management is applicable as is recognized to be conclusive in the case of insane asylums.

There is no class of institutions more easily prejudiced by changes, more sensitive to the liability to change, or the danger of change. If it is sought to destroy public confidence in an educational institution a change of management every two years will effectually accomplish the purpose. This is especially the case with institutions of learning of a high grade. When the State University was first organized there were many who doubted the success of such an institution, and who favored colleges under denominational and private control. The main argument in favor of the latter was based upon the greater freedom from capricious changes, which impair public confidence, demoralize the faculty of instruction, and destroy their usefulness.

These results were predicted as a barrier to the success of the State University, and in addition, the danger of partisan influences for selfish purposes was urged.

A State University was, however, a necessity of our remote position, and the liberality of Congress had afforded the means of its partial endowment. The predictions of those who doubted its usefulness have not as yet been verified, and the anticipations of its friends have been more than realized.

Some errors at the outset were the necessary concomitant of inexperience, but the number of students has steadily increased, until the only fear now is, that there will scarcely be space in the buildings for the classes. Every effort has been put forth, in the language of the bill, to give prominence to the several branches of learning, in proportion to the directness and value of their relation to the business life and occupation of the people; and it has already, in its brief existence, become an institution of which the State may well be proud.

Under these circumstances, what good reason can be suggested for a change in its government, of the radical character proposed in this bill? We have not been able to discover any which seems to us to possess any force.

Endowments and donations to the amount of several hundred thousand dollars have been provided for, in testaments and otherwise, which the passage of this measure will have the effect of diverting elsewhere; among these, the largest in amount, is the gift of Mr. James Lick.

Independently of the special objections to the change proposed in this bill, there is a general objection to the system provided in it for filling the positions. The most profound students of the science of government lay it down as a fundamental principle, that under a popular constitution, subordinate executive functionaries should be selected by the chief magistrate under whom they serve. In this manner there is one intelligent and responsible source of appoint-

ment, who can be held accountable for the character and conduct of subordinate officers.

If the trust is abused an effective remedy can be applied by the people. This bill ignores the lessons of experience upon this subject, and proposes to repeat the same errors which have heretofore been fruitful of unsatisfactory results in various State institutions.

The bill is entitled "An Act to reorganize and simplify the school system and public education." In our judgment its passage would tend to confusion, and not to simplicity; and while there would be a practical centralization, it would not tend to efficient working.

The elective members residing at a distance from each other, the Governor being occupied with engrossing duties, and the State Treasurer being usually unacquainted with the details of the system, the practical effect of this bill would be to take the whole system of public education, including the Normal School and University, out of the hands of the people, and put it in the hands and under the control of the Superintendent of Public Instruction. Such a proposition, in our judgment, would not be acceptable to the public, no matter what the qualifications of this officer might be asserted to be for such onerous responsibilities.

The second section of the bill declares that the University "is under the control of the people." It needs not a legislative enactment to state a self-evident fact like this, and the insertion of such truisms is what was once termed by a distinguished statesman, "inserting a stump speech in the belly of the bill."

There is another fatal objection to the measure. It creates a corporation by special Act, not for a municipal purpose, and is therefore obnoxious to the constitutional prohibition.

It provides, in the sixth section, that the Board of Education shall be a body politic and corporate, under the name and style given in the section. This is beyond the constitutional power of the Legislature.

The twelfth section speaks of the grant by Congress as being exclusively for education in agriculture and the mechanic arts. This is an error. The Act of Congress will be found upon inspection to have a wider scope, while it is doubtless designed to secure instruction in *such branches of science* as are related to agriculture and the mechanic arts. A perusal of the Act of Congress will correct an erroneous impression which has obtained some currency.

This same section (the twelfth) also makes a requirement which is not very intelligible, and, if we understand it, not very practical.

It provides that the income derived from the congressional grant shall be devoted to actual practice in these avocations, in the proportion in which they are severally followed in this State.

It would not be easy to approximate this proportion, as the term "mechanic arts" is not very precise or definite, but aside from the difficulty of fixing the proportion, if by the term "actual practice" is intended the manual operations of plowing and harvesting, the University is not the place for such instruction; nor did either Congress or any intelligent advocate of such an institution contemplate that the time of students or the funds of the institution should be employed in learning what could better be learned upon any farm where agricultural operations are in progress. These things are practically learned by every farmer's son long before he comes to the University.

The foregoing are briefly some of the objections to the passage of the bill referred to your committee.

It is liable to the objection of unconstitutionality. It disregards the lessons of experience in the system which it adopts. It proposes an unwise method of educational management in substituting an elective Board for one appointed by the Executive, and leads to the extraordinary result of practically placing in the hands of one officer control of the entire system of public education in this State.

The possibility of its enactment has excited general and serious apprehensions throughout the State for the future of our educational institutions, and if it becomes a law, in our judgment it would prove in its effects the most unfortunate measure of an educational character which has been sanctioned by any Legislature during the past twenty-five years.

We respectfully recommend that the bill do not pass.

B. F. TUTTLE,
W. J. TINNIN,
S. G. HILBORN.

MAJORITY AND MINORITY REPORTS
OF THE
SENATE COMMITTEE ON EDUCATION,
RELATIVE TO
ASSEMBLY BILL NO. 374.

d

MAJORITY REPORT.

Mr. PRESIDENT: Your Committee on Education have had under consideration Assembly Bill No. 374, and have given to it such attention as the magnitude of the interests involved requires.

The bill proposes a radical change in the management of the educational interests of the State by abolishing the Board of Trustees of the Normal School, the Board of Regents of the University, and creating one elective Board to manage the common school department, the Normal School, and the University.

One of the evils of our system of government, which has not escaped the attention of ordinary observers, is the disposition to experiment and change in legislation and in organizations of every character under public control.

The old maxim, which has lost none of its force, that "the world is too much governed," would need no further illustration than a glance at the mass of legislative enactments produced in this State during its brief existence. So true is it that we have suffered from a plethora of legislation, that there has been a constant protest by the public against the continual changes made at every session, in every direction, in proceedings in Courts of justice, and in the management of public institutions. Probably no measure ever presented to the Legislature more strikingly exemplifies this tendency than the bill under consideration.

No interests in the State are more sacred than those which pertain to the education of the people; none have a closer relation to the well-being of society, or a more important bearing upon the future character, the progress, and position of the State. There are no institutions which ought to be more jealously guarded against improvident changes and injudicious experiments.

There have been too many school laws enacted already in this State, and every official, upon his election to the superintendency of the Department of Public Instruction, seems desirous to signalize his accession by what is called, in English, reorganization, and in French is known as *bouléversement*. The people are tired of these continual changes, and desire nothing more than to have educational institutions established upon a permanent system.

The arguments in support of the bill have failed to convince your committee that any useful end would be served by its enactment. The common schools are thriving, and the system of elementary instruction is rapidly becoming adequate to the public wants. If the

vexed question of text-books requires any further legislation it had better be treated as a separate question, than to be made a lever for turning our educational institutions upside down, and substituting inexperience for that experience which is the result of years of labor.

The present system of managing the State Normal School is certainly preferable to the one proposed. A Board of Trustees, having a single interest in charge, will doubtless acquire more familiarity with its wants than a Board having a multiplicity of such institutions under its control. It requires some years of experience to become familiarized with the workings of such an institution, and the same argument against frequent changes in its management is applicable, as is recognized to be conclusive in the case of insane asylums.

There is no class of institutions more easily prejudiced by changes, more sensitive to the liability to change, or the danger of change. If it is sought to destroy public confidence in an educational institution, a change of management every two years will effectually accomplish the purpose. This is especially the case with institutions of learning of a high grade. When the State University was first organized, there were many who doubted the success of such an institution, and who favored colleges under denominational and private control. The main argument in favour of the latter was based upon the greater freedom from capricious changes, which impair public confidence, demoralize the Faculty of instruction, and destroy their usefulness.

These results were predicted as a barrier to the success of the State University, and, in addition, the danger of partisan influences for selfish purposes was urged.

A State University was, however, a necessity of our remote position, and the liberality of Congress had afforded the means of its partial endowment. The predictions of those who doubted its usefulness have not as yet been verified, and the anticipations of its friends have been more than realized.

Some errors at the outset were the necessary concomitant of inexperience, but the number of students has steadily increased, until the only fear now is, that there will scarcely be space in the buildings for the classes. Every effort has been put forth, in the language of the bill, to give prominence to the several branches of learning, in proportion to the directness and value of their relation to the business life and occupation of the people; and it has already, in its brief existence, become an institution of which the State may well be proud.

Under these circumstances, what good reason can be suggested for a change in its government, of the radical character proposed in this bill? We have not been able to discover any which seems to us to possess any force.

Endowments and donations to the amount of several hundred thousand dollars have been provided for, in testaments and otherwise, which the passage of this measure will have the effect of diverting elsewhere; among these, the largest in amount, is the gift of Mr. James Lick.

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The foregoing are briefly some of the objections to the passage of the bill referred to your committee.

It is liable to the objection of unconstitutionality. It disregards the lessons of experience in the system which it adopts. It proposes an unwise method of educational management, in substituting an elective Board for one appointed by the Executive, and leads to the extraordinary result of practically placing in the hands of one officer control of the entire system of public education in this State.

The possibility of its enactment has excited general and serious apprehensions throughout the State for the future of our educational institutions, and if it becomes a law, in our judgment it would prove in its effects the most unfortunate measure of an educational character which has been sanctioned by any Legislature during the past twenty-five years.

We respectfully recommend that the bill do not pass.

B. F. TUTTLE,
W. J. TINNIN,
S. G. HILBORN.

MINORITY REPORT.

Mr. PRESIDENT: The undersigned, a member of the Committee on Education, to whom was referred Assembly Bill No. 374, known as the Carpenter bill, begs leave to submit the following report in favor of the passage of the same.

TURNER.

The Constitution of the State (Art. 9, Sec. 4,) makes it the duty of the Legislature to protect, dispose of, and secure from loss, all grants of lands, and accruing funds, "from that or any other source," by grant of the United States, or "any other person or persons," for the use of a University.

We believe the "improvement and permanent security" of lands and funds of the University created by the Constitution, is not and cannot be reasonably or sufficiently provided for in a private corporation, whose members are not public officers, who held their office as a private trust, who give no bonds and take no official oath, and that the granting of such powers was most unwise, if not unconstitutional.

We find that the organic Act creating the University, approved March third, eighteen hundred and sixty-eight, while it gave the interest and income of lands and trusts donated by Congress or other parties, for the use of a University, did not so convey the principal or the lands themselves, but in a subsequent Act, passed March twenty-eighth, eighteen hundred and sixty-eight, constitutes the Surveyor-General, and other State and county officers, agents for the location, sale, etc., of each and every grant of land specifically described in said Act.

And in neither of these Acts, or in any subsequent Act, as far as we can learn, was there any authority given for the establishment of a private land office by the Regents, at the expense of the fund. The land office established by the Regents in eighteen hundred and sixty-nine, was legally created by the Political Code, two years after the land office had been put in operation, Regent Dwinelle being one of the Code Commissioners. The Codes give the absolute disposal of these agricultural college lands, and of all the unsold public building and seminary lands "at the price and in the manner fixed by" the Regents, and allows them to "use and invest" all moneys accruing from the sale of said lands "as they may deem best," subject only to the conditions of the Act of Congress.

We find that the Act of Congress requires the proceeds of said

lands to be invested in United States stocks, or other State stocks. The Regents have used and invested the proceeds to the amount of thirty-four thousand three hundred and fifteen dollars and fifteen cents for the purchase of real estate in the City of Oakland, for which a Regent was acting as agent.

The Regents' "statement" to the investigating committee of eighteen hundred and seventy-three-four, and their own records, show that seventy-nine thousand seven hundred and nine dollars and ninety-six cents of the Agricultural Land Fund was drawing six per cent. interest in the Bank of California, and ninety-four thousand five hundred and seventy-three dollars drawing no interest at all up to July thirteenth, eighteen hundred and seventy-four; while at the same time the Regents were paying nine per cent. on a mortgage assumed in the purchase of the Brayton estate. Other losses to the Agricultural Land Fund are exhibited in Document A, herewith appended.

The Carpenter bill does not transfer the land management of the University to another corporation, but to the State Land Office, according to the requirements of the Act of Congress:

Sec. 3. And be it further enacted, That all the expenses of management, superintendence, and taxes from the date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes hereinafter mentioned.

And also in accordance with the Act of March twenty-eighth, eighteen hundred and sixty-eight. We have no means of estimating the amount of these expenses since eighteen hundred and sixty-nine.

On page one hundred and forty-three of the Regents' biennial report we find a charge of twenty-one thousand three hundred and twenty-two dollars and eighty cents to the expense account of the Land Department, with one thousand one hundred and fifty dollars for other incidental expenses.

In their testimony to the Legislature of eighteen hundred and seventy-three-four, and in answer to the inquiries made by Congress the same year, the Regents declare that these lands had all been sold for five dollars an acre in gold coin, net. (See page 36 Regents' statement.) "Title is obtained in the name of the Regents of the University, and remains in their name until full payment is made." (See page 29.)

In the report of the Land Agent, on page one hundred and forty-two of "Regents' biennial report for the years eighteen hundred and seventy-three-five," we find the "total acres sold, for which title is issued, ninety-two thousand three hundred and seventy-nine and thirty one-hundredths."

On land applications, and unpaid balances, the Regents say they require the payment of ten per cent. interest, in advance. If, therefore, the total number of acres applied for is one hundred and fifty-four thousand seven hundred and eighty and sixteen one-hundredths, (vide Land Agent's report), the income should be more than forty-five thousand dollars, which is only six per cent. on the whole amount, which may be "considered as sold."

We submit the question, whether the competency of the Regent to act in the capacity of land agents and purchasers, of vendors of

private property to the University, contractors of buildings, as Code Commissioners, and Judges of the Supreme and Circuit Courts, is in harmony with the spirit of the Constitution and the best interests of the University.

Furthermore, it is claimed that the appointment of Regents to hold office for the term of sixteen years, is inconsistent with section seven, article eleven of the Constitution, and that, if legal when made, such appointments are now illegal under the Code.

In view of the fact that the expenses of the land management must be refunded by the State, if the conditions of the Act of Congress are complied with, and that a congressional committee has recommended "that the Attorney-General be requested to report to Congress what measures, if any, should be taken by the United States to secure from any State the fulfillment of its contract to preserve undiminished the principal of the fund derived from the grant for the support of Colleges of Agriculture and the Mechanic Arts," we think this bill, which restores the land management to the State, ought to pass.

The Act of Congress further provides:

Sec. 5. And be it further enacted, That the grant of land and land scrip hereby authorized, shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative Acts:

First—If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied, without diminution, to the purposes mentioned in the fourth section of this Act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this Act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective Legislatures of said States.

Second—No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third—Any State which may take and claim the benefit of the provisions of this Act, shall provide, within five years, at least not less than one college, as described in the fourth section of this Act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Fourth—An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this Act, and also one copy to the Secretary of the Interior.

Fifth—When lands shall be selected from those which have been raised to double the minimum in price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

The organic Act creating the University provides that the Agricultural College shall be first developed (see Sec. 4), and that the College of Mechanic Arts shall next be established (Sec. 5), "and that the said Board of Regents shall always bear in mind that the Colleges of Agriculture and Mechanic Arts are an especial object of their care, and shall be considered as entitled primarily to the use of the funds donated for their establishment and maintenance by the said Act of Congress."

The Act of Congress requires that an annual report of progress shall be made, describing the agricultural experiments made, their cost and results, including State, industrial, and economical statistics, and that the "annual interest" of the fund "shall be regularly

applied" to "liberal and practical education of the industrial classes" "without diminution." No one claims that anything of this kind has been done here. The Regents, at this late moment, are asking for an appropriation to build a college edifice, where they can begin to give practical instruction in the mechanic arts.

The memorials of the farmers and mechanics, during the last two sessions, are before the Legislature, asking that measures be taken to stop the diversion of funds appropriated for their benefit to other uses.

We dissent from the opinions expressed in the report of the committee as to the scope of the agricultural and mechanical education required to be given. Our organic Act, in common with those of other similar institutions, recognizes the importance of actual practice, in declaring that a "*system of moderate manual labor shall be established.*" The feature of manual labor is not left out in the Codes.

The Missouri University declares: "Our industrial college must be a school of labor, as well as of study. The pupil must study until he knows what should be done, and why, and how—and then the intellectual part of his education is finished. He must labor until he can do his work with skill, and then the manual part is finished." Thirty-six States are carrying out the provisions of the Act of Congress in a *practical* manner.

The degradation of the University ideal is not so much to be feared as a growing indifference to those industrial pursuits, upon which the welfare of society depends.

The President of the Massachusetts Agricultural College says: "The world has come to see that if trained intellect has elevated and ennobled three callings it can ennoble all callings, and the grand function of an agricultural college is the introduction of its students unto this inviting and useful career before exposure to diverting, or competing influences."

The Constitution, while making a necessary discrimination with respect to funds derived from the various grants of lands, made for different purposes, tacitly recognizes the individuality of the university and common school, but makes no discrimination or condition which affects their control.

We hold to the opinions of the most advanced educators, that the different parts of the free school system should be developed as limbs of an educational body whose head is the State. The relation of the University to that system alone justifies the State in the expenditure of the large sums donated for the benefit of the University, in appropriations and permanent endowments.

We find that the incorporated College of California "yielded its existence," with the property donated, to the State, as is proven by the deed of gift, and by the Regents' various reports. The conditions imposed by said corporation having been complied with, no forfeiture is involved. We also think the forfeiture of other donations is improbable, from their nature and the character of the donors.

The gift of Honorable Edward Tompkins, made September eighteenth, eighteen hundred and seventy-two, consisted of land, and conditioned upon the sale thereof, within five years, for the sum of fifty thousand dollars. The consent of the donor or his legal representatives, in writing, is necessary "to any sale of said land, or any part thereof;" and if any of the conditions are not complied with, "said land remaining unsold, and the proceeds of all that has been

sold, shall forthwith revert" to the estate, "and be paid over by the Regents without delay." The land has not been sold.

We believe, and have been assured, that large benefactions have been withheld from the University, on account of the alleged irresponsible character of the present Board, and the difficulty of recovering funds which may be alienated or lost.

In exchanging our present cumbrous, complicated, expensive, and unrepresentative system for one so much simpler in form, and which promises to be so much more effective in execution, we have the example of the model educational State, where it has been tried for twenty-five years. The evils which the friends of education have feared have been more than counteracted by the increased interest of the people in their higher institutions, and the removal of local sectarian and sectional jealousies, by an equal representation. These considerations induced the founders of Cornell University to adopt the elective system, and instead of diverting the benefactions of a generous public, the security of property under its charter has elicited unexampled benefactions.

Instead of being experimental and unprecedented, we find that this bill embodies the experience of leading educational States, which, we regret, are too voluminous to be embodied in this report.

The losses sustained by the University under the present management are shown in part in the report of the Committee on Buildings and Grounds. The ample water-rights, so carefully husbanded by the College of California, were a sacred legacy of inestimable value to the University. Their loss can only be repaired at this late day by the condemnation of property, owned by different parties, at an enormous cost. We are informed that this measure is necessary to the security of the buildings.

But with these water-rights two hundred acres of land was sold, eighty acres of which, commanding a view of the Golden Gate and City of Oakland, is desirable property for residences. The whole tract sold is equal in value to the University site, which is worth, according to the Regents' own valuation, one thousand dollars per acre.

The economy of the measures proposed in this bill will commend it to those who examine the present cost of our free education, as compared with that of other States.

The excellent management of our Normal School has demonstrated that our inordinate expenses may be lessened and avoided.

If the University of Michigan, with one thousand two hundred students and forty-one professors, with all the departments of law, medicine, literature, and science, can be carried on successfully with an annual expenditure of ninety-two thousand dollars per annum, we see no reason why the University of California, with one-third as many, cannot maintain itself creditably upon its present income of ninety-five thousand dollars, as estimated in the memorial touching its wants. Our medical department is not maintained upon University funds. We have no department of law. We have enrolled on the catalogue three hundred and sixty-six names, including those of special students, who pursue one or more branches. We have employed forty-one professors and instructors during the last fifteen months; the tuition of each student costs three hundred and fifty dollars per annum. We believe that if eleven citizens of Michigan can manage an educational business, which requires the disburse-

ment of three and a half millions of dollars, with the help of the State and county officers, eleven citizens can do it here, with our much lower population and expenditure.

The status of the Superintendent of Public Instruction is not changed in this bill, except as his responsibility is lessened, and he will cast one vote instead of three, as at present.

An attempt has been made to show that it will be utterly impracticable for the proposed Board of Education to do the necessary work. The Register of Cornell University, whose Trustees are elected from the different parts of the State, says: "The Trustees meet *twice a year*, and at other times as occasion requires; while an executive committee of their number, consisting of the Chairman and Treasurer, the President of the University and Trustees, who live near enough to permit them to be present, holds frequent sessions at Ithaca, and to this committee the more immediate superintendence of the affairs of the University is intrusted." But, at Cornell University, there are tuition and other fees required, and much incidental business not required in our own.

We reply, further, that the duties of the proposed Board of Education will be far less onerous because unincumbered by the "ramified and exacting" land and real estate business which has burdened the present Board. We think it is desirable that the interior management of the University should rest upon the Faculty, who are responsible for the improvement and good conduct of the students.

The various conflicting reports of the Regents upon their finances require to be harmonized. We have shown that the annual income from the agricultural college grant should be more than forty-five thousand dollars, if the unpaid balances on the lands sold are bringing, as the Regents' Land Committee say, ten per cent. per annum in advance. Forty-five thousand dollars is six per cent. on the principal for which the lands are represented as sold, or seven hundred and fifty thousand dollars. We append the Secretary's estimates as published by the Board in their annual report for the year ending May thirty-first, eighteen hundred and seventy-five:

ESTIMATED INCOME AND EXPENSES,

For the year ending May thirty-first, eighteen hundred and seventy-six.

INCOME.

Land interest, estimated at.....	\$30,000 00
State appropriation.....	52,426 00
State endowment interest.....	50,000 00
Interest on State bonds, \$140,000, from April 1st, 1875, to June 1st, 1876.....	9,800 00
Land fees, estimated at.....	1,000 00
Students' cottage rents, estimated at.....	2,520 00
Water rates, estimated at.....	300 00
Interest on certificates of deposit, estimated at.....	3,000 00
Interest on daily bank balances, estimated at.....	3,500 00
Interest on bills receivable. Brayton property.....	3,896 00
Total estimated income for 1876.....	\$156,442 00

EXPENSES.

Salaries for the year ending May 31st, 1876.....	\$84,000 00
Library.....	2,773 78
Agricultural department.....	5,000 00
Equipment and repairs.....	5,000 00
Fuel, lights, and water.....	2,400 00
Advertising and printing.....	1,200 00
Telegraphing and expressing.....	500 00
Stationery.....	750 00
Rent of San Francisco office.....	600 00
University printing office.....	1,000 00
University site improvements.....	2,500 00
University water-works.....	4,000 00
Students' cottages, repairs \$1,000—interest to October 1st, 1875, \$820.....	1,820 00
Insurance.....	3,600 00
College celebrations.....	1,000 00
Apparatus.....	2,500 00
Museum.....	1,200 00
Chemical laboratory.....	2,500 00
Contingent fund.....	1,500 00
Mechanical department.....	3,000 00
Gas machine and fixtures.....	1,200 00

Total estimated expenses for 1876..... \$128,043 78

Estimated excess of income over expenses..... \$28,398 22

EXHIBIT A.

COMMUNICATION OF REGENT HAMILTON.

OCTOBER 28TH, 1874.

Facts in regard to sale of lands donated by Congress, and the investment of proceeds.

The Regents tell us (page 37 of their statements), that they have either sold or contracted to sell the entire grant of one hundred and fifty thousand acres at five dollars per acre in gold coin net, twenty per cent. being paid down, and the remaining eighty per cent. bearing interest at ten per cent., which should give us a productive fund of seven hundred and fifty thousand dollars, or an income of seventy-five thousand dollars per annum. With prudent management this would be the value of the congressional grant today, even at the low price (for California) of five dollars per acre.

The law of Congress requires the proceeds from the grant to be invested in United States stocks, State, or other safe stocks.

Paying no attention to this requirement, the Regents have invested it as follows: Of the one hundred and fourteen thousand and twenty-five dollars and forty-seven cents cash received of purchasers, twenty thousand dollars was invested in a vacant block in the City of Oakland, for which the Agricultural Department had no use whatever, eleven thousand three hundred and eighty-six dollars and twenty-five cents in paying interest on a debt injudiciously assumed by the Regents, two thousand nine hundred and twenty-nine dollars and twenty-six cents for some purpose not explained, amounting in all to thirty-four thousand three hundred and fifteen dollars and fifty-seven cents expended for the purchase of the Brayton estate, for which Regent Tompkins was agent. The remainder, seventy-nine thousand seven hundred and nine dollars and ninety-six cents, is deposited by the Treasurer of the University, Regent Ralston, in the Bank of California, of which Regent and Treasurer Ralston is President, and bears interest at six per cent. per annum, while the Regents of the University, on a mortgage of fifty thousand dollars, assumed in the purchase of the aforesaid Brayton estate, are paying nine per cent. per annum.

The eighty per cent. credit upon one hundred and fifty thousand six hundred and sixty-three dollars and fifty-eight cents is in the form of notes, bearing interest at the rate of ten per cent. per annum. Applications on file with the Land Agent of the University, and certificates of deposit to the amount of ninety-four thousand five hundred and seventy-three dollars are now in his hands, and this money all or mostly in the Bank of California. No account for interest allowed appears in the exhibit of the Regents, though we learn that in connection with recent events, interest has lately been paid.

Four dollars credit per acre on ninety-four thousand five hundred

and seventy-three acres, amounting to three hundred and seventy-eight thousand two hundred and ninety-two dollars, should have been drawing interest, otherwise the income from the Land Fund is diminished at the rate of thirty-seven thousand eight hundred and twenty-nine dollars per annum.

A still more serious evil appears in the fact that the Regents have so framed their regulations that the purchaser is not obliged to pay interest on the credit portion of his purchase money until his title is obtained. The time intervening between the application and rendering of patent may be extended for years, while the land is occupied and cleared of timber. No bonds had been given guarding against such a contingency, up to the first of July last, while on page thirty-six of the Regents' statement we find that eight thousand eight hundred and forty acres have been forfeited by applicants and returned to the Land Fund.

We have seen from the Regents' statements that seventy-nine thousand seven hundred and nine dollars and ninety-six cents of the Agricultural Land Fund was drawing six per cent. interest in the Bank of California, and ninety-four thousand five hundred and seventy-three dollars drawing no interest at all, up to the first of July last, as appears from the books.

In the "Statements," page thirty-four, we are informed that "the remainder, thirty-four thousand three hundred and fifteen dollars and fifty-one cents, was temporarily invested in the purchase of four full blocks, with extensive improvements, in the heart of the growing City of Oakland, being the property formerly owned by the College of California, and the Brayton estate. This property is subject to a mortgage of fifty thousand dollars, bearing interest at the rate of nine per cent. per annum," and they are loaning nearly twice the amount to the Bank of California at six per cent. at the same time.

"It has cost to date, including eleven thousand three hundred and eighty-six dollars and twenty-five cents paid as interest on the mortgage, the sum of one hundred and twelve thousand four hundred and seventy-six dollars and twenty-five cents, and is valued by the most competent experts at a minimum of one hundred and fifty thousand dollars." This statement is manifestly incorrect. These four blocks cost the University forty-nine thousand and thirty dollars and four cents. (See page 40.) Other property was received with this block and turned over to Mrs. Brayton, in part payment for blocks numbers two and three. (See statements, page 40.) Blocks numbers two and three cost ninety-four thousand three hundred and fifteen dollars and fifty-one cents in this manner. The Regents assumed a fifty thousand dollar mortgage for Mrs. Brayton, and transferred to the vendors the outside property, valued at about thirty thousand dollars, adjoining the University site at Berkeley, which had been obtained from the College of California. The property (blocks numbers two and three) was thus obtained without any additional cash expenditure." (See same page.)

On the fifty thousand dollar mortgage, eleven thousand three hundred and eighty-six dollars and twenty-five cents interest was paid by the Regents, and also two thousand nine hundred and twenty-nine dollars and fifty-one cents for some unexplained purpose, amounting to ninety-four thousand three hundred and fifteen dollars and fifty-one cents, the entire cost of block numbers two and three.

The fourth block, vacant, and of no use to the institution, was subsequently purchased of the Brayton estate for the sum of twenty thousand dollars. (See page 41.)

SUMMARY.

Block No. 1 cost-----	\$49,030 04
Blocks Nos. 2 and 3 cost-----	80,000 00
Blocks Nos. 2 and 3 cost—interest on mortgage-----	11,386 25
Blocks Nos. 2 and 3 cost—item for which no account is given-----	2,929 26
Block No. 4 cost-----	20,000 00

Total costs of four blocks "in the heart of the growing City of Oakland," as shown by the Regents----- \$163,345 55

On the thirty-fourth page of the same "statements" the following evident mis-statement occurs with regard to the same blocks: "Since the removal of the University to Berkeley, this property is no longer essential. It is growing in value, however, year by year. Should it be deemed best to dispose of it, it will realize a sum, say one hundred and fifty thousand dollars at least, sufficient to pay off the mortgage of fifty thousand dollars, to repay the Land Fund the thirty-four thousand three hundred and fifteen dollars and fifty-one cents borrowed, and leave a surplus of sixty-five thousand six hundred and eighty-four dollars and forty-nine cents, yielding in the shape of profit a far larger interest upon the amount of the Land Fund invested than could possibly have been derived from any ordinary safe investment."

This statement was probably intended to lead the Legislature to infer that the four blocks cost but eighty-four thousand dollars, and that sixty-five thousand dollars had been gained by the speculation, when in fact these four blocks cost, years ago, one hundred and sixty-three thousand three hundred and forty-five dollars and fifty-five cents, which was thirteen thousand three hundred and forty-five dollars and fifty-five cents more than the Regents claim them now to be worth, although—"in the heart of the growing City of Oakland."

But there are other causes of complaint. The outside property valued at about thirty thousand dollars, adjoining the University site at Berkeley, which had been obtained from the College of California, transferred to Mrs. Brayton in part payment for blocks numbers two and three, was worth to the Agricultural Department of the University, for experimental purposes, at least two hundred thousand dollars, which is probably not far from its present commercial value. This indicates that the Brayton job has cost the institution about one hundred and seventy-five thousand dollars, and robbed the experimental farm of nearly, if not quite, *two hundred acres* of ground essential in making up the necessary varieties of soil and location. The Regents estimate the remaining two hundred acres directly adjoining, although valuable and sheltered for horticulture, at one thousand dollars per acre (see page 46, same statement), while the water rights parted with are practicably inestimable.

J. H. HAMILTON

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MINORITY REPORT

OF THE

Joint Committee of the Senate and Assembly

ON THE QUESTION OF

APPROPRIATING MONEY IN AID OF THE CENTENNIAL EXPOSITION.

REPORT.

SENATE CHAMBER,
SACRAMENTO, March 20th, 1876. }

Mr. PRESIDENT: The Joint Committee of the Senate and Assembly appointed to consider and investigate the matter of the approaching centennial anniversary of American independence, together with the question of the appropriation of money by the State of California in aid of what is commonly known as the Centennial Exposition, have given the matter as much consideration as their varied and pressing duties would allow.

The committee, however, have not reached a unanimous conclusion, and the minority respectfully dissent from the opinion of the majority, and beg leave to submit the following reasons in support of the conclusion arrived at by such minority:

Civilized free governments are established to protect life, liberty, and property, and for no other purpose whatever. Donations, charities, money-making and speculative ventures, do not belong to governments, but to individuals. Governments have merely the power and authority, for the public good, to make reasonable rules and regulations for the government of these concerns. Every citizen and denizen may be taxed to raise money for purely governmental purposes, as all under the protection of a government share in the benefits derived from such protection, and, therefore, should be required to contribute in proportion to their ability to pay, and protection received.

But here the matter ends; and no majority, however great, in a free government, have the right to use the taxing power for any other than a governmental purpose; for the simple reason that the governmental compact was not made or entered into for any other than purely governmental purposes. Money collected through the taxing power is a trust fund raised upon prior governmental estimates and sacredly pledged for a special purpose, viz: for paying the expenses of the government; and any application of the fund, or any part of it, to any other purpose, is a violation of the trust and usurpation of powers that no length of time can give binding sanction to, nor usage make just or respectable. These are elementary principles, and must be apparent to all who will take the trouble to think. The Supreme Court of the United States gives its august

sanction to this wholesome doctrine in the case of *The Land Association v. Topeka* (20 Wallace, page 662), in the following language:

"It must be conceded that there are such rights in every free government, beyond the control of the State. A government which recognized no such rights—which held the lives, the liberty, and the prosperity of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power—is, after all, but a despotism. It is true, it is a despotism of the many—of the majority, if you choose to call it so; but it is none the less a despotism. It may well be doubted if a man is to hold all that he is accustomed to call his own—all in which he has placed his happiness, and the security of which is essential to that happiness—under the unlimited dominion of others; whether it is not wiser that this power should be exercised by one man than by many. The theory of our governments—State and National—is opposed to the deposit of unlimited power anywhere. The executive, the legislative, and the judicial branches of these governments are all of limited and defined powers. There are limitations on said powers which grow out of the essential nature of all free governments—implied reservations of individual rights, without which the social compact could not exist, and which are respected by all governments entitled to the name. No Court, for instance, would hesitate to declare void a statute which enacted that A and B, who were husband and wife to each other, should be so no longer, but that A should thereafter be the husband of C, and B the wife of D; or which should enact that the homestead now owned by A should no longer be his, but should henceforth be the property of B. Of all the powers conferred upon government, that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied, or the things to be taxed, may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government."

The power to tax is, therefore, the strongest, the most pervading, of all the powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of *McCullough v. The State of Maryland*, that "the power to tax is the power to destroy." A striking instance of the truth of the proposition is seen in the fact that the existing tax of ten per cent. imposed by the United States on the circulation of all other banks than the National Banks, drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin one class and give unlimited wealth and prosperity to the other; if there is no implied limitation of the use for which the power may be exercised. To lay with one hand the power of the government on the property of the citizens, and with the other to bestow it upon favored individuals, to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the form of law, and is called taxation. This is not legislation. It is a decree under legislative forms. Nor is taxation. A tax, says Webster's dictionary, "is a rate or sum of

money assessed on the person or property of a citizen by government, for the public use of the nation or State."

"Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes." Coulter, J., *Northern Liberties v. St. John's Church*, says very forcibly: "I think the common mind has everywhere taken in the understanding that taxes are a public imposition levied by authority of the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose. We have established, we think, beyond cavil, that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line, in all cases, so as to decide what is a public purpose in this sense, and what is not. It is undoubtedly the duty of the Legislature, which imposes or authorizes municipalities to impose a tax, to see that it is not to be used for purposes of private interest instead of a public use, and the Courts can only be justified in interposing when violation of this principle is clear and the reason for interference cogent, and in deciding whether in the given case the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the government, the objects for which taxes have been customarily, and by long course of legislation levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether State or municipal. Whatever lawfully pertains to this, and is sanctioned by time and the acquiescence of the people, may well be held to belong to the public use, and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation."

"But in the case before us, in which the towns are authorized to contribute aid by way of taxation to any class of manufacturers, there is no difficulty in holding that this is not such a public purpose as we have been considering. If it be said that a benefit results to the local public of a town, by establishing manufactories, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the innkeeper, the banker, the builder, the steamboat owner, are equally promoters of the public good, and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public treasury to the importunities of two-thirds of the business men of the city or town. A reference to one or two cases, adjudicated by Courts of the highest character, will be sufficient, if any authority were needed to sustain us in this proposition. In the case of *Allen v. The Inhabitants of Jay*, the town meeting had voted to loan their credit to the amount of ten thousand dollars to Hutchings and Lane, if they would invest twelve thousand dollars in a steam saw-mill, grist-mill, and box factory, machinery to be built in that town by them. There was a provision to secure the town by a mortgage on the mill, and the Select-men were authorized to issue town bonds for the amount of the aid so voted. Ten of the taxable inhabitants of the town filed a bill to enjoin the Select-men from issuing the bonds. The Supreme Judicial Court of Maine, in an able opinion, Chief Justice Appleton, held that this was not a public purpose, and that the town could not levy taxes on the inhabitants in aid of the enterprise, and could therefore issue no

bonds, though a special Act of the Legislature had ratified the vote of the town, and they granted the injunction as prayed for.

"Shortly after the disastrous fire in Boston in eighteen hundred and seventy-two, which laid an important part of the city in ashes, the Governor of the State convened the legislative body of Massachusetts, called the General Court, for the express purpose of affording some relief to the city and its people from the sufferings consequent on their great calamity. A statute was passed, among others, which authorized the city to issue its bonds to an amount not exceeding twenty millions of dollars, which bonds were to be loaned, under proper guards for securing the city from loss, to the owners of the ground whose buildings had been destroyed by fire, to aid them in rebuilding.

"In the case of *Lowell v. The City of Boston*, in the Supreme Judicial Court of Massachusetts, the validity of this Act was considered. We have been furnished a copy of the opinion, though it is not yet reported in the regular series of that Court. The *American Law Review* for July, eighteen hundred and seventy-three, says that the question was elaborately and ably argued. The Court, in an able and exhaustive opinion, decided that the law was unconstitutional, as giving a right to tax for other than a public purpose. The same Court had previously decided, in the case of *Jenkins v. Anderson*, that a statute authorizing the town authorities to aid by taxation a school established by the will of a citizen, and governed by trustees selected by the will, was void, because the school was not under the control of the town officers, and was not, therefore, a public purpose for which taxes could be levied on the inhabitants. The same principle, precisely, was decided by the State Court of Wisconsin, in the case of *Curtis v. Whipple*.

"In that case a special statute which authorized the town to aid the Jefferson Liberal Institute was declared void, because, though a school of learning, it was a private enterprise, not under the control of the town authorities. In the subsequent case of *Whiting v. Fond Du Lac*, already cited, the principle is fully considered and reaffirmed. These cases are already in point, and they assert a principle which meets our cordial approval. We do not attach any importance to the fact that the town authorities paid one installment of interest on these bonds. Such a payment works no estoppel. If the Legislature was without power to authorize the issue of these bonds, and its statute attempting to confer such authority is void, the mere payment of interest, which was equally unauthorized, cannot of itself create power to levy taxes resting on no other foundation than the fact that they have once been illegally levied for that purpose. The Act of March second, eighteen hundred and seventy-two, concerning internal improvements, can give no assistance to these bonds. If we could hold that the corporation for manufacturing wrought-iron bridges was within the meaning of the statute, which seems very difficult to do, it would still be liable to the objection that money raised to aid the company was not for a public purpose, as we have already demonstrated."

These principles, so elegantly and forcibly set forth by the Court, are "apples of gold in pictures of silver," and should be kept steadily in view by legislators. They are indeed and in truth the ancient and honored landmarks of free government, to be ever cherished with watchful care. Guided and governed by these principles, we have no power to appropriate money for any such purpose as the

centennial. The very genius of our government says to us "stay thy hands; lay not thy polluting fingers upon the treasury of the State for purposes of this sort; the orphan's crust and the widow's mite were not taxed to raise money for grand displays." Those who hold and control the public purse, whenever they desire to use its contents for any given purpose, too often manage to find some high-sounding or glittering pretext to justify them in gratifying such desire. The usual things seized upon as a justification are, charity, justice to some one, patriotism, or some imaginary benefit to result to the people generally. In the case in hand, patriotism, national pride, and the general good, are the things advanced as a justification. Patriotism, pride, and the love of gain and display have been applied to, and the agents and promoters of the scheme have trudged the land with the devotion of book-peddlers, and have used all their powers of persuasion and flattery, to induce legislators to appropriate in aid of the exposition what is not theirs to give. The minority of your committee is fully persuaded that the Legislature could not make an appropriation of money out of the public treasury for this purpose, without violating the fundamental law. It is claimed, however, that the people want to give the money, and would feel humiliated if not permitted to do so. Who says so? And if it be so, who restrains them? They can freely give without paying officers to collect and disburse the fund. Moreover, this matter has long been before the country, and if the people really desired to make such a donation, it is a little strange that it was not made a part of their political platforms, the place where their wishes on legislative matters are usually fully expressed and set forth. But instead, we have the condemnation of subsidies everywhere, and from all sources.

We may pertinently ask what is this they call the Centennial Exposition? Whence its origin? What its purpose? The answer is: It is but a scheme to make money and give the idle, the vain, and curious, an opportunity to parade themselves at a great sensational show. The great mass of the tax-paying portion of the nation can neither go to, nor receive any benefit from this exposition; but we are asked to tax them, that schemers and men of leisure may air themselves there. They will then have to tax themselves further for celebrations really patriotic—home celebrations—where they, their wives, and little ones may meet to rejoice, render thanks for blessings received, and petition the Great Father for continued love and patriotism. It may be said that it is not a money-making scheme, but a general and spontaneous outburst of national patriotism. Let its history and the legislation of the Federal Congress solve the question.

On the third of March, eighteen hundred and seventy-one, an Act passed Congress stating its object and providing for a commission to consist of one delegate from each State and territory. The seventh section of this Act provided that the United States should not be liable for any expense attending or by reason of the same. This seemed all right—a throb of national pride and patriotism and no danger ahead. The commission was raised, and soon the scheme was fairly developed, and the main object disclosed; for on the first of March, eighteen hundred and seventy-two, another Act passed Congress on this subject, by which two corporations were formed. One to collect money and obtain subscriptions for stock; the other a sort of ornamental supervisory commission. The Centennial Board

of Finance was the name of the first. It had a legion of corporators, and ten millions of stock. The scheme starts with gushing patriotism as its central figure—pledged to cost the nation nothing, and ends as usual, with two of those soulless beings called corporations, who, with the greed of cormorants, prey upon the State and National treasury. The tenth section of the Act of eighteen hundred and seventy-two, above referred to, read as follows: "That as soon as possible after said exhibition shall have been closed, it shall be the duty of said corporation (the Centennial Board of Finance) to convert its property into cash; and after the payment of all its liabilities to divide its remaining assets among its stockholders, pro rata, in full satisfaction and discharge of its capital stock. And it shall be the duty of the United States Centennial Commission to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit a report to the President of the United States of the financial results of the Centennial Exhibition."

This fully exposed the cloven-foot. Very soon a general raid was organized, and no public treasury has escaped the seige of the raiders. Another bill in this line, appropriating one million five hundred thousand dollars, has just passed Congress, and been signed by the President (as the telegraph informs us), with a quill plucked from the wing of the American eagle. Poor bird, he will soar no more in the pride of his strength to meet the sun in his coming, for he has been so well plucked of late, that methinks his wings are plumeless.

Not only clap-trap and fustian, but every argument has been used to stimulate Legislatures to appropriate money in aid of this great exposition (as it is called); State pride has been invoked; nay, more, it has been urged upon the Legislatures of the Southern States, that they must vote money for this purpose, or it would be suspected that they were disloyal, and lacked patriotism to entitle them to brotherhood in the great republic. It has been urged that foreign governments are to be represented, and we will be disgraced in the eyes of the world if we do not contribute. This is mere bosh; we need not expect the great ones of other countries to leave their labors and come to a mere show. The faithful payment of our debts and obligations will give us more honor and respect than any grand exhibition can.

Ships, well loaded with our rich products, and manufactured articles, sent to foreign lands, will give an earnest to all, of what we are, more satisfactorily than the most successful enterprise of this sort. In countries where the government is everything, and the people nothing, grand expositions to amuse the people, and display the power and grandeur of the government, may be proper; but among us, who have a different order of things, any effort of the government in that direction is pernicious and unwarranted. The government has no right to appropriate the money of the many, to aid the few in the advertisement of their manufactories, or the products of their industry.

Moreover, these costly advertisements are not needed for anything of real merit, or great value; and those things that have little merit are not entitled to them. The printing press, the steam engine, the telegraph, and sewing machine, have had no need of costly expositions to teach the world the lesson of their value, or extend their usefulness.

The oranges and lemons of Sicily, the prunes and grapes of France,

the silks and teas of China, the spices and riches of India, and the manufactories of England, have not needed these aids to make the world realize their value, or learn of their existence.

This scheme should not be called an exposition, but rather the first of corporations, because their treasuries are to be made plethoric by it; they are to reap the golden harvest.

The stage and steamboat lines, and the various railroad companies will be much benefited by it, on account of the great volume of travel it will induce; and these various means of locomotion will pour into the coffers of the grand central corporation, viz: the Centennial Board of Finance, gold and greenbacks in almost unlimited quantities. This is the crowning glory of the scheme—that warms the patriotism and renders eloquent the tongues of its advocates. It will pay well without our giving any subsidy; let us keep our funds to pay our own proper debts and obligations. It is not pleasant to stand alone on this or any other question; but believing most firmly that I am right, and my brethren of the committee mistaken, and prompted by no motive save that of performing faithfully my duty as a public servant, keeping in view the fact that I must render an account of my servanthip to my masters, I shall not falter.

And in conclusion, in the name of an overtaxed and outraged people, whose funds have been often, in my judgment, applied to improper purposes by their servants, I protest against the appropriation of a single dollar in aid of this scheme, or to any purpose whatever not purely governmental in its character. All of which is respectfully submitted.

J. H. LAINE,
Of the committee on the part of the Senate.

REPORT

OF THE

SENATE COMMITTEE ON FISHERIES,

RELATIVE TO

SENATE BILLS NOS. 39, 182, 307, AND 308.

REPORT.

Mr. PRESIDENT: Your Committee on Fisheries, to whom was referred Senate Bills Nos. 39, 182, 307 and 308, beg leave to report that they have carefully examined said bills and have given to their general subject-matter the most careful attention and the closest study which the pressure of other duties has left them the liberty to bestow.

As the fisheries of this State have never before formed the subject of a legislative inquiry, they have had no record of a previous investigation to guide them, but have endeavored as far as possible to make up for this by a diligent examination of all witnesses who could throw any light upon the habits of fish and the effects of the methods pursued in catching them, by personal examination of those methods, and by reference to the reports made in other States and countries by competent Commissioners, and by a careful examination of the legislative enactments of our sister States and Canada upon this question.

The subject has proved a very wide and very interesting one—one which, in the opinion of your committee, would well repay much larger investigation and more thorough study; but, though impressed with the magnitude of the subject, we have yet arrived at such definite conclusions as will enable the Senate to legislate intelligently upon the matters submitted to it in the bills referred to.

First—As to the seals and sea-lions: the net result of all the testimony that we have been able to gather is to show that the seals which infest our coast, and especially the mouth of San Francisco Bay, are anything but the harmless, kelp-eating animals which some of the opponents of Senate Bill No. 39 have described them to be. They are the natural enemies of all the finny tribes—not merely satisfying their voracious appetites upon the food fishes, but pursuing them with the same avidity, and seemingly from the same instinct of destruction, with which a well-bred terrier pursues rats.

We find that, even in captivity, the seal of average size will consume about forty pounds of fish, or other animal food, per day, and it is but fair to suppose that when in their natural state, and for the best part of the time in active motion through the water, their consumption of fish is considerably larger. The evidence of competent witnesses whom we have examined, shows that fully five per cent. of the salmon taken in the rivers emptying into San Francisco Bay bear the marks of the teeth or claws of these creatures. Considering that it can only be the slightly wounded fish which thus live after escap-

ing, some idea may be formed of the destruction of fish by these animals.

The best estimates that we have been able to get, made by men with excellent opportunities of observation, put the number of seals about the mouth of San Francisco Bay at not less than ten thousand.

Through this cordon of vigilant and voracious enemies the fish have to push their way, and it is only giving a faint idea of the fact to say that the destruction wrought by the seals far exceeds that wrought by man.

Nevertheless, your committee do not deem it best to report in favor of the total removal of the prohibition against killing seals upon and in the vicinity of Seal Rock. The effect of such removal would probably be only to cause the destruction for sport of the seals upon these rocks, or the driving them away, without perceptibly lessening the aggregate number of seals around the mouth of the harbor or their destruction of fish. Of the immense multitude of seals which make basking-grounds north and south of the harbor and on the Farallones, those that congregate on the rocks opposite the Cliff House form but an infinitesimal part, and inasmuch as they are a source of pleasure to many visitors they should be the last and not the first to be destroyed.

But your committee think that the present limit of a mile from the Cliff House is too great, and that all useful purposes would be equally well served were the line, within which it is unlawful to kill the seals, fixed at four hundred yards from Seal Rock; and we are extremely anxious that the fact should be well known that there is no law against the killing of seals anywhere, except within that limit, as the idea seems to prevail among fishermen that it is unlawful to kill seals anywhere. This has operated not only to destroy the check to the undue multiplication of these natural enemies of food fishes but to prevent the carrying on of a profitable business.

Prior to the American occupation of California, the Russians had a large seal-killing establishment on the Farallones, the remains of which are yet to be seen, and up to the time of the passage of the first protective law, a Norwegian firm in San Francisco pursued a profitable business in killing these animals for their skins and oil. As the skin of the hair-seal is well adapted for making saddles, and other manufacturing purposes, and their oil is useful in many ways, your committee have no doubt that this business of seal-killing around the mouth of San Francisco Bay offers at the present time a most profitable field for the employment of capital and labor, while the effect of thus killing the seals for commercial purposes would be to very largely increase the number of fish entering our rivers from the sea.

THE CHINESE SHRIMP FISHERMEN.

Contrary to their impressions before entering upon the examination of the subject, your committee, after a close investigation and a personal examination of their mode of fishing, have come to the conclusion that the shrimp-fisheries of the Chinese are to no considerable extent destructive of food fishes. These fisheries are located on the mud-flats of the bay, off Point San Pedro, in Marin County. The nets employed are stretched close to the bottom, between stakes driven about thirty feet apart, and are drawn up and emptied at each turn of the tide. The meshes of the body of the nets are sufficiently

close to take the shrimp, but as the tops of the nets are but twenty-four inches from the bottom, they capture only the crustacea and such fishes as the flounder, which swim close to the mud. On their visit to the ground your committee witnessed the hauling of these nets, but found them to contain nothing but shrimps and a few flounders, stingarees, and dog-fish, but none of the young of food fish, or, indeed, any food fish except a small number of flounders.

The testimony of the witnesses examined by the committee, upon the question of the destructiveness of these fisheries, was so contradictory that the committee were unable, from such testimony, to come to any satisfactory conclusion, and appreciating the importance of ascertaining the facts of the case, they made the visit to the fishing grounds of the Chinese, as above stated, that they might arrive at the truth from their own observation. Your committee were, indeed, surprised to find so few and comparatively valueless fish captured with the shrimp. It may be that the catch, on the occasion of our visit, was not a fair sample of the catch throughout the year. Of this we can form no judgment; but this is what we saw. We are confirmed in our opinion, however, that our experience was not exceptional, by the observations made by Captain Edward Wakeman, who was appointed by the Fish Commissioners, in the year eighteen hundred and seventy, to examine and report upon the fisheries of the Bay of San Francisco. His report is embodied in the report of the Fish Commissioners for the years eighteen hundred and seventy and eighteen hundred and seventy-one, at page fifteen, and from which we take the following extract: Captain Wakeman says: "Since the date of my commission I have visited, with the yacht *George Steers*, repeatedly, all the fishing grounds that are frequented by the Italian and Chinese fishermen in the waters of our bay. The only Chinese fishing station that I found, is located a short distance to the north of the Two Sisters. Here, on an extensive mud-flat, are stakes or poles set firmly in the ground, and occupying an area of several miles in extent, from which poles are kept constantly set the nets, which are taken up at each slack-water of the flood and ebb tide. Shrimp are taken here and cured for the Chinese market, by being boiled in large vats in salt water, then spread out on the cleanly-swept ground and dried in the sun, being raked over frequently during the day. The scales or skin becomes separated from the meat and looks like fine saw-dust. The meat and refuse are then sewed up in the best quality of bags, and placed on board Chinese junks of about thirty tons, and sent to San Francisco, from whence it is shipped to China. *Scarcely any class of fish are taken in these nets but shrimp.*"

Messrs. Redding and Farwell, members of the California Fish Commission, and Livingston Stone, Esq., Assistant United States Fish Commissioner, accompanied your committee on their visit to the fishing grounds of the Chinese, and concur with the opinion of your committee that these fisheries work no serious harm to the species of fish it is desired to protect.

For some unaccountable reason the shrimp is multiplying in our waters with wonderful rapidity. The catching of them has become an important business. Its commencement dates back but a few years, and now there are not less than five hundred men engaged in the business. Besides supplying the home market, nine hundred thousand dollars' worth were exported last year. The business

affords a large revenue to the County of Marin, where they are located, and the neighboring counties from which they obtain their supplies, and we see no good reason for crushing the industry.

THE ITALIAN FISHERMEN.

Generally, the Chinese confine themselves to the catching of shrimps, for reasons best known to the Italian fishermen, who are the great catchers of salt-water fish for the San Francisco market.

Over one hundred boats, each carrying from three to eight men, and easily recognized by their graceful forms and lateen sails, are engaged in this fishing; those who go outside the heads using hooks and lines, and those who resort to the fishing grounds of the bay using seines.

These seines are about two hundred and fifty feet long and six feet wide. The meshes in the wings of these seines are sufficiently large to permit the escape of small fish, but in the center of the net there is a space, varying in length in different nets, of which the meshes are not more than one-quarter of an inch in size, and from which it is impossible for the smallest fish to escape, and with the marketable fish are caught large quantities of fish too young and small for use, which are frequently wantonly destroyed, and may be seen piled in winrows on the beach where the boats land.

To prevent the useless destruction of young fish in this way, we recommend that the use of seines or fixed nets, with meshes less than one and a half inches in size, should be prohibited, and that fishermen should be required to return to the water all fishes that would escape through a mesh of that size, and that heavy penalties should be imposed for a failure to do so.

RIVER FISHING.

We find, also, that in narrow creeks and sloughs the practice of dragging with seines stretching from bank to bank, and from the bottom to the top of the water, is absolutely destructive, and we would recommend that fishing with seines extending more than one-third of the distance across the stream be prohibited. We would also recommend, as a measure dictated by general experience, that the use of fish-traps be prohibited in all rivers, and in the bay within half a mile of the mouth of a river.

The practice of running saw-dust into mountain streams, as is well known, exterminates the trout and other fishes with which those waters naturally abound, and we further recommend its prohibition.

These restrictions will, in our judgment, be sufficient to protect the fish in confined localities.

In deference to the views of the Fish Commissioners we also suggest that it might be advisable to prohibit net-fishing in the bay and rivers from Saturday night to Monday morning, thus giving the fish one day in the week during which they will be exempt from danger.

But without claiming to know more of the subject than can be gleaned during a necessarily short legislative investigation, your committee are strongly of the opinion that so far as concerns the fishes which have their haunts in the sea, and only visit our harbors and bays periodically, no restrictive measures are necessary. So great are

the ocean areas from which these fish come, and so incredible are their numbers and so marvelous their powers of reproduction, that the destruction affected by man seems to have no influence upon their abundance. Of the great laws which regulate the life with which the ocean swarms, we have as yet only imperfect gleanings. Species appear and disappear, we cannot tell how. Like the crops of the earth, the finny crops of the ocean have their seasons of abundance and then seasons of scarcity—we cannot guess why. That it practically makes no difference whether man kills or whether he forbears to kill, is the conclusion which has been arrived at by many independent commissions, investigating in different localities. This was the opinion of the British Fish Commissioners, composed of eminent scientific men, among whom was the celebrated Huxley, and an examination of the reports of the United States Fish Commissioners will show that this view has been adopted, after careful investigation, by the Commissioners of several States, and by numerous independent investigations.

Your committee have found no evidence that fish are diminishing in our waters, excepting in isolated places in rivers and creeks, where over-fishing and other local causes, such as the filling of the bed of streams by the detritus from mining, have affected that result. But so far as the ocean, the bays, and large rivers, not so affected by detritus, are concerned, the fish seem to be as abundant as ever.

It may be that fish are not quite as cheap and not quite so abundant in the markets of our larger towns as they were ten years ago. But that was before the era of railroads, and the only market for fresh fish was the cities of San Francisco and Sacramento, and the towns in the interior which could be reached in one day by the slow modes of travel in vogue in those days. But since the introduction of more rapid means of transit, the whole State, and the State of Nevada, have become a market, and tons of our delicious salmon are annually sent over the railroad to the Eastern market.

The number of men engaged in this business has quadrupled in the last five years, and yet, so far as the salmon fisheries are concerned, the catch of last year greatly exceeded that of any previous year. And not only was the aggregate amount of salmon captured greater, but the catch per boat was greater. It is too soon yet for the efforts which have been made to stock our rivers with salmon by artificial means to bear fruit; but in another year we may confidently expect a large increase in the quantity of this valuable fish.

Before closing our report, and presenting to the Senate the three bills which embody the enactments which we deem desirable to make, your committee wish to put on record their appreciation of the fidelity and public spirit with which the Fish Commissioners have discharged the duties assigned to them. Giving their time to their duties without pecuniary recompense, these gentlemen have brought to the task not merely attention and conscientiousness; but a loving interest and zeal, which promises a thousand-fold return for the talent committed to their charge. The young salmon, hatched by them in the headwaters of our rivers, have already paid a visit to the bay, and next season, in obedience to that mysterious instinct which, transcending all human sense, makes for the migratory fish a clear path through the watery waste, may be expected to throng our rivers on their way to the places that gave them birth, there in their turn to reproduce their kind.

It is already established that the shad, the most delicious food fish of the Eastern coast, has been naturalized in our waters, as is also the case with the black-bass, cat-fish, and a number of minor species, which give new sport to our anglers, and a greater diversity of food to our tables.

The appropriation hitherto made has been but two thousand five hundred dollars per annum, and feeling that there is no way in which the money of the State can be so properly expended, your committee recommends an increase of the appropriation.

All of which is respectfully submitted.

S. G. HILBORN,
W. Z. ANGNEY,
W. McPHERSON HILL,
E. GIBBONS,
PAUL SHIRLEY.

COMMUNICATIONS

RELATIVE TO

SENATE BILL NO. 279,

FROM THE

MAYOR AND CITY ATTORNEY OF SAN FRANCISCO, AND THE ATTORNEY OF
THE BOARD OF STATE HARBOR COMMISSIONERS.

COMMUNICATIONS.

SAN FRANCISCO, March 3d, 1876.

Hon. Washington Bartlett, Senator:

SIR: The Board of State Harbor Commissioners have requested me, as their counsel, to state why the bills now pending before your body, the effect of which will be to destroy East street, should not pass.

It is urged in favor of its passage that the Court made a map which included the lots within the territory which they offered to sell, and that, being State officers, and authorized to make such a map, that the public had a right to rely upon it as officially correct, and, having bought in accordance therewith, the purchases ought to be protected, and that the State cannot, in good faith, dispossess the purchasers:

This, I believe is stating the case as fully as it can be stated in favor of the purchaser at the Commissioners' sale; and all this is fully answered by the Supreme Court in the case of *The People v. Klumpke*, (41 Cal.).

The fact is, that the city front, or red line, so called, could have been easily ascertained, and the slightest inspection of the official city map, accessible to all, would have enabled the purchaser to know that the map of the Commissioners was erroneous, and embraced territory which the law did not authorize them to sell, and to which they could give no title, and the maxim *caveat emptor* has its full and just application as much in public sales as in those between individuals. Otherwise, and if the principle involved in this bill were conceded, it would lay in the power of public officers to bankrupt the government.

The principle is a vicious one, and the precedent would lead to a clamor against the public treasury ruinous to the State.

In probably hundreds of cases, the Land Department have issued patents which have proved illegal, and failed to convey the title; and if all such could come back upon the State for the enhanced value of the land which they supposed they were purchasing, there would be no end to the claims presented.

The purchasers of this territory lying upon the city front, and not within the jurisdiction of the Commissioners who made the sale, knew, or with slight inquiry might have known, that they could

are justly responsible for the consequences. Patents from the Government, or its officials, are but quit claims; they contain no warranty.

United States patents have, in numerous cases, been declared void, and the title supposed to have been acquired proved invalid. A public officer cannot bind the Government beyond the power or authority conferred upon him. When these Commissioners undertook to sell land within the city front every citizen knew they had no power to do so, and that no title could be acquired under such sale.

The most that the purchasers could demand in equity would be that the State should account for the money paid on the sale, which, for the space between Pacific and Jackson, was about two thousand dollars. And against this the State would have the equitable right of set-off for the rents and profits twenty years, which, probably, would ten times exceed the price paid for the land.

It is a matter of the gravest consideration whether East street, intended as a grand thoroughfare, one hundred and fifty feet wide along the city front should be destroyed and placed in private ownership, on the pretense set up by the claimants under the pending bill; especially when, as I have shown, their claim is devoid of right, either legally or equitably. If they paid their money for a bad title, they did this with the means of knowing what they were doing. If they have paid money to the State therefor, they have, also, had the use of the State's property for over twenty years, and realized rents of many times the value of all they have paid.

Again, it is a bad precedent to interfere by legislation with the course of judicial proceedings. The case of *The People v. Klumpke* has been tried in the Fourth District Court, and submitted. Judge Morrison has asked further argument which will soon be had, and, in my judgment, the evidence given entitles the plaintiffs (the sale) to recover.

If the Legislature should deem proper to pass a bill for an accounting between these purchasers and the State, on the principle of a set-off of the rents and profits against the purchase money and interest, there could be no objection, more especially if the bill should provide that if these purchasers were found indebted to the State, that judgment should be had against them; and if such were the only alternative the State had better pay almost any amount of money than to destroy its city front, by the surrender of nearly one-half the width of East street into private ownership.

I have written this amid the pressure of other business, and have not time for revision, and if it contains any suggestions which may aid you in the defeat of this bill, I shall be gratified.

Very truly yours,

A. M. CRANE.

OFFICE OF CITY AND COUNTY ATTORNEY,
SAN FRANCISCO, March 3d, 1876.

To Hon. Washington Bartlett, Senate Chamber, Sacramento:

DEAR SIR: I have the honor to acknowledge the receipt of your communication, dated the twenty-eighth ultimo, together with the inclosed printed copy of Senate Bill No. 279.

The State Harbor Commissioners have had prepared a map showing the property lying in East street, between Jackson and Pacific streets, the conveyances to which the passage of Senate Bill No. 279 would confirm. All of the property thereon marked out and lying easterly of the westerly line of East street is, in fact, to the easterly of the water front of the City of San Francisco, as established by the Act of March twenty-sixth, eighteen hundred and fifty-one.

There never was any right or lawful authority whatever vested in any set of Commissioners to convey away to private parties any property to the east of the red line, or water-front, so established.

The water-front line was plainly defined in the Act of eighteen hundred and fifty-one, and there could not have been any doubt about that fact.

If the claimants have paid for lands, to which they must have known that they were obtaining no title, to call their act by no grayer designation, the most they can justly ask is, that upon an accounting as between the amounts paid by them to the State upon the sales, and the rents received by them since, a judgment be entered for the balance, let it be whichever way may happen.

It is all important to the public that the water-front, as formerly established by law, should be maintained.

Under the decisions of the Supreme Court of this State and of the United States, there is not a particle of doubt but that the very property sought to be acquired in private ownership is part of a public street, of which the public cannot be defrauded by any hostile possession, however long it continue. (See *San Francisco v. Sullivan*, Supreme Court of California, October Term, 1875; *Weber v. Board of State Harbor Commissioners*, Supreme Court of the United States, October Term, 1873.)

I am, very respectfully, your obedient servant,

W. C. BURNETT.

SAN FRANCISCO, March 3d, 1876.

Hon. Washington Bartlett, Senate Chamber, Sacramento, California:

DEAR SIR: I beg leave to submit the following objections to Senate Bill No. 279, to confirm sales of lands, etc.:

On the twenty-sixth day of March, eighteen hundred and fifty-one, the Legislature passed an Act (see Statutes of that year, page 307), establishing a permanent water-front of the City and County of San Francisco, and defining the water property as lying between the water-front and the tide-line, and providing that a map should be

red-line map; the red line on said maps being the permanent water front, as defined in said Act, continued along the line of ordinary high tide, so as to include all the land conveyed to the city by that Act, for the term of ninety-nine years. By the terms of the Act the space in front of the water-front, extending into the bay, was to remain perpetually open and for the use of commerce. At the time of the passage of this Act some of the streets along the water-front were one hundred and thirty-seven and a half feet wide, and lay wholly to the westerly or land side of the red line, but for a long distance, northerly of Market street, by subsequent legislation, the whole of the street along the westerly line of the front was extended into the bay easterly of the red line, so that property to the west of the line was relieved from its use as a street, and the whole street lies to the east of that line, and purchasers from the city and the State for a long distance there hold and own westerly and immediately adjoining the red line.

Now the water property belonging to the State, and not then disposed of, was subsequently sold pursuant to an Act of the Legislature of eighteen hundred and fifty-three, and another Act of eighteen hundred and fifty-five, and persons authorized to sell property having an authorization to sell only property westerly of the red line, had another map prepared illegally, including within the property they proposed to sell, long strips of territory lying in and being part of the Water-front street of the city, and lying to the easterly of the red line, and the property, the sales of which are proposed to be validated by this Act, is a part of that very property so lying in and being a part of that said street.

There is litigation now in the case of *The People v. Klumpke*, in the Fourth District Court, to determine this very question, and there is no moral doubt of the right of the people to succeed, or that they will succeed; the proofs are in, the case submitted, and ready for argument. It has been to the Supreme Court once, and under the opinion of that Court and with the facts as now presented the people will undoubtedly recover, unless prevented by some such legislation as this. This bill does not cover the whole land that was so attempted to be illegally deeded away, and is only the entering wedge to further legislation. The passage of this bill will necessitate the throwing of the Water-front street still further into the bay, disarranging the contour of the water-front, and extension, at great expense, of the bulk-head constructed there, by widening it into the bay. I trust the bill will be defeated.

Respectfully yours,

A. J. BRYANT.

E

R E P O R T

OF THE

SENATE COMMITTEE ON AGRICULTURE

RELATIVE TO

SENATE BILL NO. 508,

**AN ACT TO SAVE FROM DESTRUCTION THE VINEYARDS OF CALIFORNIA,
AND TO EXTINGUISH THE PHYLLOXERA IN SAID VINEYARDS.**

REPORT.

Mr. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 508, entitled "An Act to save from destruction the vineyards of California, and to extinguish the phylloxera in said vineyards," report back said bill with a substitute, which, with the exception of authorizing experiments, if any be necessary, to be made under the supervision of the Professor of Agriculture of the State University, makes no change in the bill.

The preamble is stricken out as unnecessary, and the language is made less redundant; otherwise there is no change.

The committee earnestly recommend the passage of this bill. The vineyard interest is one of the principal in this State, and destined to become, if fostered, our greatest source of wealth. We possess natural advantages for the cultivation of the vine superior to those of France. Last year, according to the *Revue Viticole*, the French vintage amounted to eighty-three million six hundred and thirty-two thousand three hundred and ninety-one hectolitres, that is (a hectolitre is twenty-six and one-half wine gallons) two billion two hundred and sixteen million two hundred and fifty-eight thousand three hundred and sixty-one gallons. This, at twenty cents a gallon, amounts to four hundred and forty-three million two hundred and fifty-one thousand six hundred and seventy-two dollars and twenty cents. The ravages which the phylloxera has made in the French vineyards, is given in the same paper. The yield in the Department of Vaucluse is reduced from seventy-nine and a half millions of gallons to less than two millions; and in the Department of Gard, from one hundred and six million to less than twenty-five million gallons; a loss by phylloxera, and nothing else, of one hundred and fifty-nine million gallons in these two departments. The French Government has spent hundreds of thousands of dollars, and has, at last, discovered a sure remedy. This insect is far more to be feared in California, as it spreads and increases so much more rapidly in a dry climate; how much more quickly, then, in this State, where we have absolutely no rain for many months in the year. Already, in some parts of the State, notably in Sonoma, the spread of this terrible pest has been so rapid, that, where a few years ago, every vine seemed flourishing, now spots of ten acres may be seen covered with dead and dying vines, the result wholly of the ravages of this minute, but fearfully destructive insect; and unless such aid as is asked for in this bill is given, these vineyards are inevitably doomed to destruc-

tion. It is now a patent fact, that unless this disease is stamped out, in a few years the vast majority of the vineyards in this State will be eaten up. Its advent in a new portion of the country may be unnoticed by those who have never seen the results of the presence of the insect; a few vines may die, but the death be attributed to other causes; but once having obtained a foothold, the spread is very rapid. An instance may be given: in Napa County, though the vineyardists were aware of the existence of the phylloxera, no one believed that it had obtained a foothold in the county. One large wine-grower, near St. Helena, had a few sick vines, which he suspected might be caused by the presence of this insect; this year, that same vineyard contains a thousand vines unmistakably a prey to this fell destroyer. In many instances, the presence of this scourge has been kept comparatively secret, under the idea, mistaken or not, that if it were known to exist in a man's vineyard, his credit, his ability to borrow money, might be affected. But it is now too far spread to be longer concealed; in some places, the destruction of vines is already fearful; in others, the first signs of the advent of the disease are more apparent. The Secretary of the State Vinicultural Association testifies that wherever he has gone he has seen its presence, though the owners of the vineyards ascribe to other causes the sickly appearance of the vines attacked. If not arrested, it will, in a few years, destroy the vineyards of California. Every one who has made the matter a subject of study, is convinced of this fact. The remedy has also been discovered by the French Commission, a remedy which, when applied as directed, surely and effectually kills the insect. The cost of the remedy places it, at present, beyond the means of many, though there is every prospect that its manufacture will be cheapened. But the task of stamping out this pest must be undertaken by the Government, by the State, in a systematic and universal manner, simultaneously acted on. No matter how many private individuals unite to eradicate the evil, if one man (and there will be always some) neglects, or refuses, or improperly uses the remedy, the bug remains to spread again. And if it be stamped out in one district of the county, it may spread in another where its presence is unsuspected, where the indications of its ravages are unknown to the people. A complete inspection of all the vineyards by competent persons, as the bill provides, the marking of every infected vine, and a universal complete application of the remedy, is necessary to effect a radical cure.

It is not to save vines affected—to help the owner of such vines—that legislative aid is asked, but to prevent the spread of the disease; to cause an inspection by fully competent persons, at the proper time, and have every infected spot attended to this year, by those instructed and thus able to apply the remedy in the proper manner; to watch the development of the disease in new places next year, and thus eradicate the plague in California, or so reduce it, that after eighteen hundred and seventy-seven, it will be stamped out except, in cases, at most, of isolated vines, and these cases can be provided for by a proper inspector, with power to compel the owner of the vines to apply the remedy.

The appropriation is asked as a matter of real economy for the State. Statistics for eighteen hundred and seventy-two (none for later years were presented) show that there were then in the State thirty million vines, about one-half of foreign varieties, worth, at a

low estimate, sixty cents per vine. Taking this estimate—though many new vines have come into bearing since then—gives a value of eighteen millions of dollars. The value of improvements in that year was eleven million six hundred thousand dollars, making nearly twenty-nine millions of dollars. The amount of wine made last year was over eight millions of gallons, which, at twenty cents a gallon, amounts to one million six hundred thousand dollars, and the wine and brandy held are from the year before, and brandy made, will give from four hundred thousand dollars to eight hundred thousand dollars more. Thus, allowing little or no increase since eighteen hundred and seventy-two, we have a value in vineyards and appurtenances of some thirty-three millions of dollars. This should give a value in assessment of at least twenty millions. The State tax (at sixty and five-tenths cents on the hundred dollars) on this amounts to one hundred and twenty-one thousand dollars, the county taxes to as much more, yielding a revenue in taxation to the State of two hundred and forty-two thousand dollars in two years. If the phylloxera spread here, as it has in the Departments of Vaucluse and Gard, in France—and all agree that the spread must be more rapid—in a few years the loss will, as there, amount to seventy-five per cent. A loss to that extent would diminish the State tax one hundred and eighty-one thousand five hundred dollars (three-fourths of two hundred and forty-two thousand dollars) in two years. To prevent this the bill makes an appropriation of ten thousand dollars. We are convinced that this pest must be exterminated by some provision similar to this bill or it cannot be done, and that two years hence it will cost very many times the sum now necessary.

This is an industry of so much importance in this State as to be entitled to the utmost consideration, and while we would hesitate to recommend any appropriation to foster such industry by exhibition of its products at fairs, or in the other modes in which various State moneys are applied to the protection and encouragement of agriculture, the committee cannot but earnestly recommend the passage of this, an Act which aims to preserve the very life of so great an industry, and without which Act that industry must be terribly crippled, if it do not absolutely perish.

W. McPHERSON HILL,
W. C. ANGNEY,
C. W. BUSH,
J. M. MONTGOMERY,
S. SPENCER.

E

MEMORIAL
OF
A. L. BANCROFT & CO.
TO THE
SENATE AND ASSEMBLY,
PRAYING THAT THEIR CONTRACT WITH THE STATE BOARD OF EDUCATION, FOR
SUPPLYING TEXT-BOOKS FOR THE PUBLIC SCHOOLS, BE
RECOGNIZED AND MADE VALID.

MEMORIAL.

To the Honorable the Senate and Assembly of the State of California :

Your memorialists would respectfully represent :

That we established in eighteen hundred and fifty-four, our business as book-sellers and publishers, in San Francisco, and that from that time to the present, we have been citizens of California, and all our financial interests have been connected with this State ;

That in view of the large amount of money sent East for the purchase of text-books (about one hundred and eighty thousand dollars per annum), and in accordance with the advice of leading educators, we undertook, in eighteen hundred and seventy-two, the publication of a series of readers, now known as "The Pacific Coast Series ;"

That the subsequent history of our enterprise, up to the present time, is, briefly, as follows : On June twenty-second, eighteen hundred and seventy-four, the four years for which McGuffey's Readers were adopted having expired, the California State Board of Education advertised for proposals for new readers, and some other text-books. On January fifth, eighteen hundred and seventy-five, the proposals were opened, and the contracts for supplying readers for the ensuing four years was awarded to us. On April ninth, eighteen hundred and seventy-five, this contract was set aside by the Supreme Court, on a defect in the records of the Board. Meanwhile we had engaged, in good faith, in manufacturing stock for the market thus guaranteed us, and had printed and bound nearly forty thousand volumes, when the decision above quoted was rendered. On June first, eighteen hundred and seventy-five, the Board again advertised for proposals, with special regard to legal forms. On December third, eighteen hundred and seventy-five, the necessary six months having elapsed, the Board again met to consider the proposals, and were enjoined from doing so, by Judges Braynard and Reardon. On December ninth, eighteen hundred and seventy-five, a bill was introduced in the Senate providing that "the text-books now in use shall be continued in use until otherwise provided by statute," which bill has since become a law.

The result of all this, to all the parties concerned, is :

First—That the State is required to still use McGuffey's Readers for an indefinite time, and pay for them twenty per cent. higher than the publishers offered the same books for, in their proposal of January fifth, eighteen hundred and seventy-five.

Second—That the publishers of McGuffey's Readers, Messrs. Wil-

son, Hinkle & Co. of Cincinnati, are entering upon their sixth year of exclusive control of the California market, now secured to them by direct legislation, for an indefinite period, free from all annoying competition.

Third—That we are now shut out even from the privilege of competing for our home market, and left to suffer a very heavy loss, all incurred in a laudable business enterprise, and much of it directly in fulfillment of a contract given us by a State Board, acting under competent and unquestioned authority.

Fourth—That the whole business of publishing text-books in this State has been set back for an indefinite period, and unless saved by some subsequent legislation, effectually destroyed.

That there may be no misapprehension of the terms on which we offered our readers, we give herewith a synopsis of our proposal made December third, eighteen hundred and seventy-five, now on file in the office of the State Superintendent of Public Instruction:

First—The prices of our readers are lower than the present prices of McGuffey's.

Second—We offer them in even exchange for those now in use, without restriction whatever as to the condition of the old books offered.

Third—We guarantee that all our stock shall be made in this State.

Fourth—The merits of our books and our enterprise are abundantly recognized and indorsed as follows, the original being on file with our proposal:

I. By thirty-six County Superintendents of Public Schools in California:

SUPERINTENDENT.	COUNTY.	SUPERINTENDENT.	COUNTY.
Rev. W. F. B. Lynch	Alameda	Frank Power	Nevada
R. E. Montgomery, Deputy	Alpine	John T. Kincaide	Placer
H. T. Batchelder	Butte	W. S. Church	Plumas
A. Thurbar	Contra Costa	Dr. G. R. Kelly	Sacramento
J. E. Putman	Colusa	H. Z. Morris	San Benito
Max Lipowitz	Del Norte	Henry Goodsell, Jr.	San Bernardino
Rev. T. O. Ellis	Fresno	James Denman	San Francisco
E. C. Cummings	Humboldt	C. G. Warren	San Mateo
L. A. Beardsley	Kern	J. K. Kennedy	Santa Clara
L. Wallace	Lake	C. W. Childs	Solano
George H. Peck	Los Angeles	James Burney	Stanislaus
Samuel Saunders	Marin	M. C. Clark	Sutter
David Egenhoff	Mariposa	C. D. Woodman	Tehama
J. H. Seawell	Mendocino	Hiram H. Braydon	Trinity
H. G. Hill	Modoc	R. P. Merrill	Tulare
E. E. Miner	Monro	John Murnan	Tuolumne
R. C. McCroskey	Monterey	T. S. S. Buckman	Ventura
Rev. G. W. Ford	Napa	Thomas H. Steel	Yuba

II. By leading teachers in California:

Charles H. Allen, Principal of California State Normal School, San José.
 Kate Kennedy, Principal, San Francisco.
 E. Knowlton, Principal, San Francisco.
 Silas A. White, Principal, San Francisco.
 John A. Moore, Principal, San Francisco.
 Lizzie G. Datkin, Principal, San Francisco.
 Kate Sullivan, Principal, San Francisco.
 Mrs. A. E. Dubois, Principal, San Francisco.

A. L. Fitzgerald, President of College, Santa Rosa.
 C. B. Towle, Principal, Vallejo.
 William Crowhurst, Principal, Vallejo.
 M. L. Templeton, Principal, Visalia.
 A. F. Craven, Principal, Oakland.
 Ada A. Hamilton, Principal, Oakland.
 V. Rattan, Principal, Santa Cruz.
 E. C. Newell, Principal, Santa Cruz.

Mary J. Carusi, Vice Principal, San Francisco.
 Rev. D. McClure, Military Academy, Oakland.
 Rev. A. L. Brewer, St. Matthews' Hall, San Mateo.
 Mrs. Alice G. Cowan, St. Stephens' School, Gilroy.
 E. P. Howe, Principal, Sacramento.
 A. H. McDonald, Principal, Sacramento.
 Harriet McCormick, Principal, Sacramento.
 A. G. Drake, Principal, Marysville.
 R. B. Warren, Principal, Orange.

M. E. C. Munday, Principal, Petaluma.
 Charles Coleman, Jr., Principal, San Diego.
 O. E. Graves, Principal, Yuba City.
 Samuel T. Black, Principal, Chico.
 L. J. Chipman, City Superintendent, San José.
 John C. Ruddock, Principal, Mendocino City.
 J. B. Brown, Principal, Eureka.
 R. L. Snell, Principal, Benicia.
 A. W. Oliver, Principal, Gilroy.
 George Furlong, Principal, Monterey.
 Mrs. H. D. Anderson, Principal, Santa Barbara.
 And many others.

III. By resolutions of a large number of County Teachers' Institutes, on file.

IV. By all the members of the State Board of Education of Oregon, consisting of Hon. L. F. Grover, Hon. S. F. Chadwick, Secretary of State, and S. C. Simpson, Superintendent of Public Instruction, and by many County Superintendents of that State, where an early edition has been used for two years.

V. By prominent professional and business men of San Francisco, as follows:

SAN FRANCISCO, January 2d, 1875.

To the Honorable Board of Education of the State of California:

GENTLEMEN: We have learned with satisfaction that Messrs. A. L. Bancroft & Co., of San Francisco, have published and will manufacture within the State, a series of readers, which they intend to offer to your honorable body, under your call for proposals for text-books, to be considered by you on January fifth, eighteen hundred and seventy-five.

We, therefore, as business men, respectfully represent:

I. That we believe that all bodies in our State, whose duty it is to purchase for the public, or to authorize the purchase by the public, should give the preference to goods manufactured at home, due regard being paid to quality and price.

II. That the publication of school text-books has a peculiar claim upon us, giving profitable employment as it does, not only to home capital and home artisans, but to our home talent and home culture.

We fully believe that regard for true public policy and the best and most prominent interests of our State require that this great branch of industry be encouraged; and we earnestly hope that you will be able to give the Pacific Coast Readers your cordial support.

We are, very respectfully,

F. F. Low,
 R. G. Sneath,
 William Alvord,
 Frank McCoppin,
 Milton S. Latham,
 Wm. T. Coleman,
 A. J. Pope,
 H. J. Booth,
 Whittier, Fuller & Co.,
 Linforth, Kellogg & Co.,
 J. C. Johnson & Co.,
 Marcus C. Hawley & Co.,
 E. K. Howes & Co.,
 Kittle & Co.,
 J. D. Arthur & Son,
 Charles Clayton & Co.,
 A. C. Dietz & Co.,

Judson & Shepherd,
 D. J. Tallant,
 James B. Roberts,
 William Sherman,
 Henry L. Davis,
 J. O. Eldridge,
 H. M. Newhall,
 Geo. Howes & Co.,
 N. W. Spaulding,
 Irving M. Scott,
 Murphy, Grant & Co.,
 N. F. Cole,
 H. P. Wakelee,
 Geo. C. Shreve & Co.,
 J. W. Davidson & Co.,
 Redington, Hostetter & Co.,
 Tobin, Davisson & Co.,

J. M. McDonald,
 Peter H. Burnett,
 Ira P. Rankin,
 Sather & Co.,
 C. Adolph Low & Co.,
 Flint, Peabody & Co.,
 Henry Edgerton,
 Armes & Dallam,
 Wellman, Peck & Co.,
 Tubbs & Co.,
 F. Tillman,
 Young & Faxon,
 Bradley & Rulofson,
 Kohler, Chase & Co.,
 Lorenzo Sawyer,
 J. W. Winans.

VI. By Hon. H. H. Haight, ex-Governor of California, in the following letter:

SAN FRANCISCO, January 2d, 1875.

To the State Board of Education:

I am requested to write with others in commending to the consideration of your honorable Board, the Pacific Coast Readers, published by Messrs. A. L. Bancroft & Co.; and not having been able to examine the series in question, wish simply to take the liberty of saying that it would be altogether acceptable to the public if, all things being equal (in quality and cost), books compiled and published here should be preferred for use in the schools in this State. The profits of such publications would thereby accrue to our own citizens instead of going abroad.

Yours, respectfully,

H. H. HAIGHT.

VII. By the State Grange of the Patrons of Husbandry, unanimously adopted in October, eighteen hundred and seventy-four, as follows:

Resolved, That we desire the State Board of Education to encourage the preparation and gradual introduction of text-books which are adapted to the wants of this coast; and that while protecting the people from unnecessary expense, it is their duty, other things being equal, to foster home industries in the selection of text-books, apparatus and furniture, for our public schools.

Also indorsed by a large number of local Granges.

VIII. By the Mechanics' State Council, indorsing the resolution passed by the State Grange, as quoted above, and adding thereto the following:

Resolved, That we respectfully request the State Board of Education to encourage home industry, by selecting text-books and other articles needed in the public schools, with reference to the increase of labor for the thousands of people now flocking to this State in search of employment; and that a copy of these proceedings be sent to the State Board of Education by the President, under seal of the Council.

We especially desire to call attention to the fact that the contract for supplying readers for the public schools of California was awarded to us on January fifth, eighteen hundred and seventy-five, by the State Board of Education, acting within their legal authority; that we, in good faith, expended large sums of money in preparing for the market thus guaranteed to us; that we have been deprived of that market up to the present time, by the means described above, through no fault of ours; and that, as the case now stands, we, as home publishers, are left to suffer a heavy pecuniary loss in fulfilling our part of a contract with the State of California, while a Cincinnati house continues to hold exclusive control of the California market at higher prices, in clear violation of every principle of justice and equity, and sound public policy.

Your memorialists, therefore, humbly pray that the contract heretofore entered into between us and the State Board of Education, for the supply and use of the Pacific Coast Readers in the public schools of this State, be recognized and made valid by your honorable bodies.

And your petitioners will ever pray, etc.

We are, very respectfully,

A. L. BANCROFT & CO.

SAN FRANCISCO, January 3d, 1876.

MINORITY REPORT

OF THE

Joint Committee of the Senate and Assembly

ON THE

TRANSLATION OF THE LAWS INTO THE SPANISH LANGUAGE.

REPORT.

To the Speaker of the Assembly, and the President of the Senate:

We, the undersigned, members of the joint committee of Assembly and Senate on translation of laws into Spanish, beg leave herewith to submit a minority report.

On the first Monday of the present month the following bids for the translation of laws into Spanish were opened in presence of a majority of the said committee:

J. Alexander Forbes, at twenty-four cents per folio.

Mrs. E. Pjerdner, at nineteen cents per folio.

Mrs. C. K. Martinez, at sixteen and a half cents per folio.

José F. Godoy, at sixteen cents per folio.

T. R. Eldridge, at thirteen cents per folio.

Thomas Savage, at eleven and a half cents per folio.

Fabian Kunhardt, at ten cents per folio.

No action was taken by the said joint committee on the day of opening the above named bids. On the following day the committee again met, and, all the members not being present, an adjournment was again had to the next day. Previous to the adjournment charges impeaching the correctness of the translation of the laws of the twentieth session (1873-4) were submitted to the members then present. The statement was made that competent translators declare the translation of eighteen hundred and seventy-three-four to be grossly incorrect; that a great many errors existed in the text, some of which errors were cited, and could not be contradicted, nor could they, by any distortion, be considered typographical errors. The translation of eighteen hundred and seventy-three-four was made upon an award by the joint committee of both Houses of the twentieth session, to the same person, Godoy, who submitted the bid above cited, at sixteen cents per folio, before the present committee. Upon a motion made and seconded the award was made, by a majority vote, to José F. Godoy, notwithstanding the protest of the undersigned members of said committee; and notwithstanding the fact was shown that the lowest bidder came well recommended, proposed to make the translation in accordance with law, and was ready to file the bond required by law; and notwithstanding the fact that there were two other bidders on the list (besides the lowest bid sub-

mitted), whose offers were lower than the offer of the said Godoy, one of whom has been State translator of laws for fifteen years (except the sessions of 1861-2, 1867-8, 1873-4), and against whose translation no objections were made to the committee, or, to the knowledge of the undersigned, have ever been made.

We, therefore, feel it to be our duty to our constituents, and to ourselves, to make this report, and protest against the action of the majority of said committee, and beg that the Assembly and Senate will take such action in the matter as to them may seem just and proper.

R. M. PRESTON,
W. M. CRUTCHER.

MINORITY REPORT

OF THE

SAN FRANCISCO DELEGATION

ON

SENATE BILL NO. 115.

REPORT.

Mr. SPEAKER: The undersigned, a minority of the San Francisco delegation, having had under consideration Senate Bill No. 115, beg leave to report:

We are satisfied that the bill will be general in its application, and therefore should be referred to a standing committee of the House.

There are already in force laws concerning the office of Fire Marshal of San Francisco, carefully guarded as to care and return to the owner of all property saved from fire. The bill under consideration contains no such precautionary clauses; and when it is remembered that the organization mentioned in this bill is a private corporation, composed of representatives of fire insurance companies, and that it gives to such organization, not only as a whole, but to any member of it, arbitrary control of the property of any citizen, it will be well for the House to reflect before accepting the bill in its present shape.

Indeed, the necessity for such a law is very questionable. If it was intended, as was originally announced by the parties interested in this bill, to simply give the Fire Patrol the right of way through the streets of a municipality, it is certainly unnecessary, because the several municipal governments can grant such privilege. If, as we claim it clearly appears upon the face of the bill, it is calculated to reduce the liability of insurance companies, it will be unwise to put in the form of a statute anything which will add to the difficulties already in the way of collection of insurance.

The second proviso to the first section of the bill is in the following words: "*And provided further, that no act of such corps shall justify any owner of any building or property in abandoning such building or property.*"

Now, while this proviso is, in substance, contained in all policies issued by insurance companies, the undersigned conceive that any legislative indorsement of such condition cannot, with due regard to the popular interest, be placed upon our statute book. The ordinary provisions as to abandonment, contained in fire policies, is ample to protect the company. But this proviso goes further. It decreases the liability of the insurance company by adding another and hitherto unheard of mode of abandoning buildings and property. For, when our statute shall say that no act of a private corporation shall justify any owner in abandonment, we but throw another

obstacle in the way of the insured, upon whom misfortune has fallen, in enforcing his claim.

To what extent might not the power, thus given to the Fire Patrol and its individual members, be carried? The proposed law will, in the opinion of the undersigned, place the insured entirely at the mercy of the insurance companies.

We therefore recommend that the bill do not pass.

Respectfully submitted.

JAMES G. CARSON,
J. O'B. KENNEDY,
HERMAN RANKEN,
T. H. BARBER,
J. C. MURPHY,
M. McCARTHY.

March 15th, 1876.

REPORT

OF THE

SENATE JUDICIARY COMMITTEE,

ON

SENATE BILLS NOS. 3, 4, AND 10.

REPORT.

Mr. PRESIDENT: The Judiciary Committee have had under consideration Senate Bills Nos. 3, 4, and 10, and report the same back, with a recommendation that they do not pass.

Your committee entered upon the investigation of the subject involved in those bills with an earnest desire to arrive at a conclusion favorable to the purposes sought to be accomplished.

The financial condition of our people demanded relief, if relief could be given and the credit of the governments, State and county, remain unimpaired.

The fiscal year eighteen hundred and seventy-five-six commenced on the first day of July, eighteen hundred and seventy-five, and all appropriations for the civil service, hospitals, prisons, public schools, etc., must be paid out of the revenue collected for such fiscal year.

The tax for State purposes for such fiscal year amounts to three million seven hundred and thirty-nine thousand dollars, in round numbers.

Under the revenue laws, as they now stand, but little of this money reaches the State treasury until January, eighteen hundred and seventy-six.

In order in some measure to keep the State as nearly on a cash basis as possible, the Treasurer has been authorized to pay certain classes of warrants out of other funds, thus anticipating the January receipts.

Warrants on the General Fund are now outstanding, or have been paid out of other funds which must be reimbursed, amounting to eight hundred thousand dollars, and to meet appropriations already made four hundred and eighty thousand dollars more must be in the State treasury before the first Monday in April, eighteen hundred and seventy-six.

Upon the theory that the State tax will be as closely collected for the present as it was for the past fiscal year, the collections and payments into the State treasury before the first of April, eighteen hundred and seventy-six, will be as follows:

For the General Fund.....	\$1,411,643
For the School Fund.....	1,101,829
For the Interest Fund.....	295,000

Of the one million four hundred and eleven thousand six hundred and forty-three dollars of estimated receipts into the General Fund it will be seen that one million two hundred and eighty thousand

dollars is already appropriated, and must be paid or the credit of the State seriously impaired.

If only one-half of the estimated receipts should come into the treasury before April we would have outstanding unpaid warrants to the amount of nearly six hundred thousand dollars, which could not be paid until August or September.

Some of the consequences of this condition of affairs, so far as the General Fund of the State is concerned, would be:

The payment of interest on the bills for supplies furnished the State Prison and Asylums.

The loss imposed upon those who have dealt with the State upon the faith that their demands would be paid at maturity.

School moneys are apportioned in January, and if only half collections are made the result would be that the public schools must suspend or be run on credit.

If either of the bills herewith reported should become a law, nearly every county in the State having a bonded indebtedness would be compelled to default on the interest payments, while in others scrip would be greatly depreciated.

If it is desirable that State and county taxes should be paid in semi-annual installments, the law must be changed so as to collect one installment about the first of July and another about the first of January in each fiscal year. This would bring no relief, for now the whole payment is deferred until January.

In the judgment of your committee it is impossible to postpone the payment of any portion of the taxes for the present fiscal year, without disarranging the whole principal system.

We append hereto statements of the financial condition of the State, made by a competent expert, from which it will be seen that no other course was left your committee but to recommend that the bills referred to do not pass.

E. J. LEWIS, Chairman.

Mr. McGARVEY dissenting.

STATEMENT

Showing the receipts and apportionment of funds for the fiscal year 1874-5.

Tax for State purposes 1874-5.....	\$3,968,590 45
Amount paid State Treasurer October, 1875.....	4,869 24
January, 1875.....	\$3,963,721 21
	1,997,238 81
San Francisco called settlement, February, 1875.....	\$1,966,482 40
	878,014 60
Paid April, 1875.....	\$1,088,467 80
	206,628 12
Paid June, 1875.....	\$881,839 68
	144,400 84
Amount delinquent and paid for fees and mileage....	\$737,438 84

APPORTIONMENT OF MONEY

Received from tax of 1874-5, and delinquent taxes of other years paid to State Treasurer in the months of January and February, 1875.

General Fund.....	\$1,577,426 15
School Fund.....	1,049,939 15
Interest and Sinking Fund.....	294,242 84
	<u>\$2,921,608 14</u>

STATEMENT

Showing the estimated receipts and apportionment for the fiscal year 1875-6.

Tax for State purposes, 1875-6.....	\$3,739,094 50
If the same percentage is collected in the months of January and February, 1876, that was paid in those months of 1875, the State will receive about.....	<u>2,709,000 00</u>

Apportioned very nearly as follows:

General Fund.....	\$1,411,643 00
School Fund.....	1,001,829 75
Interest and Sinking Fund.....	295,527 25
	<u>\$2,709,000 00</u>

CONDITION OF GENERAL FUND.

Overdrawn December 6th, 1875.....	\$750,549 16
Warrants drawn December 18th, 1875.....	23,280 08
Receipts since December 6th, 1875.....	\$773,829 24
	51 36
Overdrawn December 20th, 1875.....	<u>\$773,777 88</u>

STATEMENT

Of tax due the State, and amount paid into the State treasury on assessment of 1874-5.

COUNTIES.	Amount paid in October.	Amount paid in January.	Amount paid in February.	Amount paid in April.	Amount paid in June.	Total amount paid.	Amount due State.
Alameda	\$1,881 26	\$194,501 62		\$14,470 11		\$210,852 99	\$242,145 51
Alpine		2,930 59			\$1,174 72	4,105 31	5,536 36
Amador		13,310 02		1,032 09		14,342 11	16,466 46
Butte		49,800 81			4,157 95	53,958 76	58,334 76
Calaveras		5,623 09		3,755 96		9,379 05	10,936 79
Colusa		50,487 11		4,614 85	3,097 76	58,199 72	59,448 41
Contra Costa	2,781 10	37,835 96			3,905 60	45,231 66	49,278 30
Del Norte		11,907 20		1,913 96		13,821 16	15,560 09
El Dorado		37,274 82			4,455 03	41,729 85	49,237 11
Fresno		6,505 71		24,948 41		24,948 41	30,436 20
Humboldt		16,295 75			1,296 99	17,592 74	19,517 78
Inyo		9,473 27			3,105 60	12,578 87	14,321 43
Kern		5,163 99			1,175 86	6,339 85	7,462 58
Lake		59,362 64			862 90	60,225 54	67,324 86
Los Angeles		40,644 36			3,295 38	43,939 74	48,196 37
Mariposa		5,218 56			2,413 74	7,632 30	8,906 41
Mendocino		31,175 40			2,268 77	33,444 17	37,974 66
Merced		29,537 80			8,983 06	38,520 86	45,178 03
Modoc		4,392 03			1,948 43	6,340 46	7,518 04
Mono		2,151 79			666 99	2,818 78	3,584 80
Monterey		53,286 59			2,234 64	55,521 23	62,120 13
Napa		45,818 70			2,531 94	48,350 64	54,826 74
Nevada		51,367 80		1,545 84		52,913 64	58,469 19
Placer		28,787 33		10,952 51		39,739 84	44,416 86
Plumas		5,215 13			2,837 16	8,052 29	9,223 60
Sacramento		105,709 67		19,249 38		125,016 05	153,750 67
San Benito		24,709 08			1,239 36	25,948 34	28,904 72
San Bernardino		8,916 41			594 65	9,511 06	11,087 16
San Diego		15,518 23			2,897 59	18,415 82	19,754 32
San Francisco		276,961 03		64,533 33	22,699 14	1,442,268 10	1,714,114 73
San Joaquin		111,074 91	\$870,014 60	3,684 11		1,155,687 56	1,332,564 41
San Luis Obispo		21,900 07			928 54	22,828 61	25,240 71
San Mateo		36,306 22			2,677 53	38,983 75	43,571 63
Santa Barbara		27,182 24			3,185 69	30,368 93	33,554 62
Santa Clara		167,471 58		20,608 17	6,380 02	194,460 77	209,784 44
Santa Cruz		40,666 32				40,666 32	47,358 14
Shasta		10,146 94			2,620 52	12,767 46	14,897 19
Sierra		12,179 83			747 03	12,926 86	14,897 19
Siakiyou		16,388 23			663 93	17,052 16	19,240 42
Solano		58,337 99		3,634 10	2,766 07	64,738 16	71,443 50
Sonoma		97,652 35				97,652 35	110,443 50
Stanislaus		39,805 66			4,896 14	44,691 80	48,347 64
Sutter		11,970 30			4,093 00	16,063 30	18,443 50
Tehama		9,374 75			15,302 93	24,677 68	28,443 53
Trinity		22,113 36			13,467 36	35,580 72	39,471 86
Tulare		4,725 94			853 90	5,579 84	6,513 81
Tuolumne		5,807 36		2,002 92	3,043 60	10,853 88	12,897 11
Ventura		15,352 30				15,352 30	17,507 13
Yolo	206 88	52,219 05		3,010 16		55,229 05	60,064 36
Yuba		16,090 72		14,706 53		30,797 25	34,496 37
Totals	\$4,869 24	\$1,997,258 81	\$878,014 60	\$206,625 12	\$144,400 84	\$3,231,151 61	\$3,988,590 45

MONTHLY STATEMENT OF STATE CONTROLLER.

Showing the condition of the several funds December 6th, 1875.

FUNDS.	Balance on hand.	Overdrawn.	Warrants outstanding.	Balance in State treasury.
General Fund		\$750,549 16	\$841,969 73	\$91,420 57
School Fund	\$34,921 32			34,921 32
Interest and Sinking Fund	112,071 72			112,071 72
Interest and Sinking Fund, 1860				
State Capitol Fund	18 95		4,388 62	4,407 57
Military Fund			300 00	300 00
Soldiers' Bounty Interest Fund				
Soldiers' Relief Interest Fund				
Pacific Railroad Fund				
State Normal School Building Fund	10 24			10 24
State Prison Building Fund				
State Capitol Bonds Interest Fund				
State School Land Fund	28,182 63		2,811 87	30,994 50
State University Fund				
Library Fund	13,990 86		25 00	14,015 86
Hospital Fund				
Supreme Court Library Fund	3,554 45			3,554 45
University Endowment Fund				
Swamp Land Fund				
Soldiers' Relief Fund				
Soldiers' Bounty Fund				
Insane Asylum Special Fund	24,474 25			24,474 25
Line Officers' Fund				
Interest and Sinking Fund Levee District No. 5	1 02			1 02
Harbor Protection Fund	3,309 95			3,309 95
War Bond Fund	8,814 65			8,814 65
Wharf and Dock Fund	184,009 68		1,032 10	185,042 86
Estates of Deceased Persons	7,114 47			7,114 47
Election Reward Fund	1,130 64			1,130 64
State Capitol Special Fund				
Swamp Land District No. 1	90 88			90 88
Swamp Land District No. 2	36 15			36 15
Swamp Land District No. 5	2,135 15			2,135 15
Swamp Land District No. 6				
Swamp Land District No. 8				
Swamp Land District No. 17	8 00			8 00
Swamp Land District No. 18	552 25			552 25
Swamp Land District No. 38	66 60			66 60
Swamp Land District No. 41	44			44
Swamp Land District No. 45	9 85			9 85
Swamp Land District No. 46	5 24			5 24
Swamp Land District No. 48				
Swamp Land District No. 49	18 70			18 70
Swamp Land District No. 51	34 08			34 08
Swamp Land District No. 59	27 29			27 29
	\$424,589 46			\$524,567 70
Amount in coupon accounts				159,515 00
				\$684,082 70

REPORT

OF THE

SENATE SPECIAL COMMITTEE

TO WHOM WAS REFERRED CERTAIN QUESTIONS RELATIVE TO THE

REGENTS OF THE STATE UNIVERSITY.

REPORT.

Mr. PRESIDENT: Your special committee to whom was referred a resolution of the Senate (adopted March sixth, eighteen hundred and seventy-six), in which the following questions were submitted for answer, viz:

First—Whether the Regents of the State University is a legal body?

Second—Whether the constitutional limitation of four years for the duration of official terms applies to said Regents or to any one of them?

Third—Whether a judicial officer can legally act as a Regent?

Fourth—Whether the conveyance of land heretofore made by said Regents is valid?

Report that they have given the questions such hasty examination as their time would allow, and have arrived at the following conclusions, viz:

First—We have no doubt but that the Regents of the University of California is a legal body. It owes its creation and existence to laws of the State of California, passed in pursuance of the Constitution, and could hardly be an illegal body.

Second—As to whether the seventh section of Article XI. of the Constitution, fixing the duration of an office, applies to the Regents, is not free from difficulty; but from the examination we have been able to make, and the lights before us, we believe it does not. We do not think that the terms "office" and "officer," as used in the Constitution, has any application to Boards like the Regents. They are merely Trustees for the State, charged with the duty of administering a trust, subject to the control of the State as a unit. They do not properly belong to any one of the three great departments of the Government.

The fourth section of the ninth article of the Constitution provided for the organization of a University, the language of which shows that the management of the funds was in the nature of a trust resting in the State. The Act of March twenty-third, eighteen hundred and sixty-eight, providing for the organization of the University, was formed on this theory; and it was therein declared that "no member of the Board of Regents or of the University shall be deemed a public officer by virtue of such membership, or required to take any oath of office, but his employment as such shall be held and deemed to be exclusively a private trust."

We believe this to be the essential nature of the duties imposed on

the Board, and the very object of its creation; and the mere change of names amounts to nothing. The Code, it is true, places the Regents in the list of officers of the State, but this does not bring them within the constitutional provisions, as we read the cases of *The People v. Middleton* (28 Cal., 603), and *The People v. Provines* (34 Cal., 520). The President of the University and a Commissioner of Deeds are, in one sense, officers of the State, but in our judgment not the kind referred to in the Constitution.

Third—As to whether a judicial officer may be a Regent, we answer that he may. It is a mere question of policy for the Legislature. The reasons already given apply to this question, as the case of *The People v. Provines* (34 Cal., 520) is in point.

Fourth—The fourth question we answer also in the affirmative, if the State law has been followed. The Regents must convey only in pursuance of a law of the State, and if they do that the conveyance is valid.

PIERSON,
GRAVES,
LAINE.

REPORT

OF THE

SPECIAL COMMITTEE OF THE ASSEMBLY,

APPOINTED TO INQUIRE INTO THE MATTER OF

WATER RATES IN EASTERN CITIES,

AS COMPARED WITH PRICES IN SAN FRANCISCO.

REPORT.

ASSEMBLY CHAMBER,
SACRAMENTO, January 11th, 1876. }

MR. SPEAKER: Your special committee, which was instructed to inquire into the matter of water rates in Eastern cities, as compared with prices in San Francisco, beg leave to report that they have such statistics as they could procure, and find that the rates charged in the majority of the Eastern cities are immensely less than those charged in San Francisco. We find that the following are the rates charged in some of the cities:

CHICAGO.

The City of Chicago adopted the following water rates in the year eighteen hundred and seventy-four:

For houses having a frontage of—	One story.	Two stories.	Three stories.	Four stories.	Five stories.
14 feet or less	\$5 00	\$7 00	\$9 00	\$11 00	\$13 00
14 to 16 feet	6 00	8 00	10 00	12 00	14 00
16 to 18 feet	7 00	9 00	11 00	13 00	15 00
18 to 20 feet	8 00	10 00	12 00	14 00	16 00
20 to 22½ feet	9 00	11 00	13 00	15 00	17 00
22½ to 25 feet	10 00	12 00	14 00	16 00	18 00
25 to 27 feet	11 00	13 00	15 00	17 00	19 00
27½ to 30 feet	12 00	14 00	16 00	18 00	20 00
30 to 32½ feet	13 00	15 00	17 00	19 00	21 00
32½ to 35 feet	14 00	16 00	18 00	20 00	22 00
35 to 37½ feet	15 00	17 00	19 00	21 00	23 00
37½ to 40 feet	16 00	18 00	20 00	22 00	24 00
40 to 45 feet	18 00	20 00	22 00	24 00	26 00
45 to 50 feet	20 00	22 00	24 00	26 00	28 00

A family in a dwelling-house is supposed not to exceed ten persons. Each individual in excess of that number is assessed at the rate of fifty cents per annum. When there is more than one family in a house, the second family gets water at one-third the regular rate. When there are three families, the rate is reduced to one-fourth; for each additional family in one dwelling, the rate is reduced to one-eighth.

Manufactories, breweries, etc., which consume large quantities of water, are charged by the one hundred gallons. When the quantity of water averages from two hundred to three hundred gallons of water per day, the price is four cents per hundred gallons; when it averages from three hundred to one thousand gallons per day, three and one-half cents per hundred gallons; for from one thousand to five thousand gallons per day, three cents per hundred gallons; for from five thousand to ten thousand gallons per day, two cents per hundred gallons; in excess of ten thousand gallons, not less than one cent per hundred gallons may be charged.

For the purposes of these rates, a year is computed at three hundred days. Meter rates are established at the rate of ten cents per hundred gallons.

The total cost of the Chicago Water-works (including work in progress) to the first of April, eighteen hundred and seventy-four, was six million two hundred and three thousand eight hundred and seventeen dollars and forty-six cents. Receipts from water rents for the year eighteen hundred and seventy-three-seventy-four, was seven hundred and eight thousand eight hundred and four dollars and thirty-two cents. The total amount of pipe in use April first, eighteen hundred and seventy-four, was three hundred and fifty-one miles and two thousand three hundred and twenty-five feet.

The total receipts from water rents from February fifteenth, eighteen hundred and fifty-four, at which time the distribution of water commenced, was five million three hundred and eighty thousand six hundred and eighty-nine dollars and fifty-four cents.

CINCINNATI, OHIO.

The following tariff of water rates were in force in the City of Cincinnati, Ohio, on the thirty-first day of December, eighteen hundred and seventy-three:

Families occupying a house containing—	Per annum.
One or two rooms.....	\$4.00
Three or four rooms.....	5.00
Five or six rooms.....	6.00
Seven or eight rooms.....	8.00
Nine or ten rooms.....	10.00
Eleven or twelve rooms.....	11.00
Thirteen or fourteen rooms.....	13.00
Fifteen or sixteen rooms.....	14.00

Houses containing more than sixteen rooms to be charged at the rate of fifty cents for each additional room.

Houses occupied by more than one family to be charged at the above rates for one family; and two dollars and fifty cents for each additional family.

Public baths (warm), twelve dollars per annum; public baths (cold), six dollars per annum; private baths (warm), six dollars per annum; private baths (cold), three dollars per annum; water-closets at public

lic houses, five dollars to ten dollars per annum; water-closets at private houses, three dollars per annum; stationary washstand, with hydrant attachment, public, five dollars per annum; private, one dollar per annum; plug or hose hydrants, for washing sidewalks, three dollars per annum.

For each house of twenty-five feet front or less, and for all fronts exceeding twenty-five feet, at the rate of six cents for each additional foot; corner buildings to be charged at the above rates for both fronts.

Barber shops, for each chair, two dollars per annum.

Livery and private stables, for each stall, two dollars per annum; for each carriage, buggy, or wagon, one dollar per annum; each work-horse, one dollar and fifty cents per annum.

Hard-bread and cracker bakeries, one cent per barrel of flour used; soft-bread baker, one and one-half cents for each barrel of flour used.

Coffee-houses, from five to twenty dollars per annum.

Stores, offices, and sleeping-rooms, two dollars to ten dollars per annum.

Smiths' shops, two dollars for each forge per annum.

Brickwork, ten cents per thousand; plastering, three cents for each bushel of lime used; stonework, three cents per perch.

Schools, from two dollars to ten dollars per annum.

Steam engines to be estimated according to size; and for every fifty hands employed, an additional charge of five dollars per annum; or the amount shall be determined by meter, and charged at the rate of fifteen cents per thousand gallons. Manufactories, hotels, distilleries, tanneries, slaughter-houses, breweries, and other large consumers, to pay at the rate of one and one-half cents per one hundred gallons.

The total receipts for the year ending December thirty-first, eighteen hundred and seventy-three, were six hundred and eleven thousand eight hundred and eighty-two dollars and ten cents. The total amount of pipe in use January first, eighteen hundred and seventy-four, was seven hundred and sixty-four thousand four hundred and thirty-nine feet, equal to 145.44 miles.

BOSTON.

The Boston Water Board report for the year eighteen hundred and seventy-one-two:

The amount received for water rents, seven hundred and eighty-eight thousand two hundred and fifty-two dollars and five cents.

The amount received from the sale of Cochituate water, from its introduction into the city, on the twenty-fifth of October, eighteen hundred and forty-eight, to May first, eighteen hundred and seventy-two, nine million fourteen thousand five hundred and twenty-eight dollars and forty-two cents.

The average daily consumption was thirteen million nine hundred and forty-five thousand five hundred gallons.

Cost of works to May first, eighteen hundred and seventy-one, ten million five hundred and seventy-one thousand eight hundred and ninety-six dollars and sixty-four cents.

NEW YORK.

The Croton Water-works, of New York City, received from water

rents, from April eleventh, eighteen hundred and seventy, to April tenth, eighteen hundred and seventy-one, one million one hundred and seventy-eight thousand three hundred and forty-one dollars and thirty-four cents.

From October fifth, eighteen hundred and forty-two, to December sixth, eighteen hundred and sixty-six, thirteen million five hundred and ninety-nine thousand five hundred and forty-two dollars and forty-two cents, was received for water rents.

These works supply one hundred and four million of gallons per day, and have a capacity of about one hundred and fifteen million of gallons of water. The total cost is about twenty-five million dollars.

The length of their main aqueduct is, from the Croton dam to the distributing reservoir, 40⁵/₁₆ miles. To this should be added the length of the Croton reservoir, five miles in length, together with about four miles of large mains, which run through the center of the city, which would be a total of nearly fifty miles.

PHILADELPHIA.

The City of Philadelphia has several pumping works.

The Fairmount, in eighteen hundred and seventy-three, furnished twenty-four million seventy-one thousand and twenty-nine gallons of water per day; the Schuylkill furnished, per day, four million one hundred and ninety thousand two hundred and sixty-five gallons; the Delaware furnished, per day, four million four hundred and forty-four thousand six hundred and nineteen gallons; the Belmont furnished, per day, five million three hundred and sixty thousand three hundred and forty-three gallons; the Roxborough furnished, per day, two million two hundred and three thousand nine hundred and twenty-eight gallons; making a total, per day, of forty million two hundred and seventy thousand and eighty-four gallons.

The receipts were one million seventy-eight thousand two hundred and ninety-three dollars and ninety-five cents. Expenses, including laying of twelve miles of main, were five hundred and forty-three thousand nine hundred and forty-three dollars and fifty cents.

SACRAMENTO.

The City of Sacramento has adopted the following rates for water used:

For a family of four persons or less, per month	\$1 00
For a family of three to seven persons, per month	1 50
For a family of eight to eleven persons, per month	2 25
For a family of twelve to thirteen persons, per month	2 50
For a family of fourteen to sixteen persons, per month	3 00

Children not included. Public schools, etc., free.

Boarding-houses, fifteen cents for each boarder, per month.

Stores, from fifty cents to one dollar per month.

Barber-shops and bath-houses, one dollar and fifty cents to three dollars per month.

Sprinkling carts, twenty dollars per month.

Stables, for each animal, forty cents per month.

Laundries, from four dollars to twenty-five dollars per month.

The following were the meter rates in eighteen hundred and seventy-four, in the following cities, per one thousand gallons:

New London, Conn.	\$0 20
Hartford, Conn.	0 30
Boston, Mass.	0 30
Providence, R. I.	0 30
New York	0 15
Baltimore, Md.	0 15
St. Paul, Minn.	\$0 30 to 0 50
San Francisco	0 50 to 1 00
Louisville, Ky.	0 15
Cleveland, Ohio	0 70 to 1 00
Jersey City, N. J.	0 20
Chicago	0 10

SAN FRANCISCO.

The last report of the Spring Valley Water Company states that they have received from water rents and all other sources (with simple interest added, at the rate of ten per cent.), from the time the works were completed to the thirty-first day of March, eighteen hundred and seventy-five, twenty-two million four hundred and fifty-eight thousand eight hundred and eighty-three dollars and seventy-nine cents.

The dividends paid were six million nine hundred and eighty thousand six hundred and thirty-five dollars and thirteen cents (including interest); leaving amount of cost March thirty-first, eighteen hundred and seventy-five, at fifteen million four hundred and seventy-eight thousand two hundred and forty-eight dollars and sixty-six cents.

They have about one hundred and seventy-seven miles of pipe in use, together with one hundred and five miles of service pipe, making a total of two hundred and eighty-two miles.

From June first, eighteen hundred and seventy-four, to May thirty-first, eighteen hundred and seventy-five, the city was supplied with three billion eight hundred and sixty-three million six hundred and three thousand gallons of water.

The water rents received for the year were one million seventy-one thousand six hundred and thirty-three dollars and sixty-three cents. The monthly expenses of the company are from eight thousand two hundred dollars to eight thousand five hundred dollars, or say, one hundred thousand dollars per annum.

Your committee would, in conclusion, respectfully urge the necessity of passing a law by which the city should own her own water-works; or else the price of water should be regulated, and placed at reasonable rates.

D. C. SULLIVAN,
Chairman of Committee.

MINORITY REPORT

OF THE

Assembly Committee on Corporations

ON

ASSEMBLY BILL NO. 182,

AN ACT PRESCRIBING THE MAXIMUM RATES WHICH MAY BE CHARGED FOR
THE TRANSPORTATION OF PASSENGERS AND FREIGHT ON
THE RAILROADS OF THIS STATE.

REPORT.

Mr. SPEAKER: The undersigned, a minority of your Committee on Corporations, to which committee was referred Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State—beg leave to report the same back with a substitute, and recommend the passage of the substitute.

The subject of controlling railroad companies so as to confine and regulate their charges for freight and passengers within reasonable maximum limits, and to prevent unjust discriminations between individuals or communities, is of such importance as, in the estimation of the undersigned, to justify a few words in explanation of the recommended bill, with a brief comment upon some of the leading principles involved in the measure. It is not supposed that any members of the Assembly will hesitate as to the powers of the Legislature to pass laws upon this subject. Section thirty-one of article four, of our Constitution, is in these words: "Corporations may be formed under general laws, but shall not be created by special Act except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed." All railroad corporations in this State have been formed under general laws, and it must be so in the future. All such companies are of course subject to the condition in the Constitution, and liable to have their fundamental law changed, altered, or repealed, at any time. This power is reserved in the very section under which was passed the very Act under which the organization of the company was made, and without which it could never have existed. And yet we hear the power of the Legislature over this subject questioned, and long and ingenious arguments have been made to prove that, notwithstanding the reserved right to alter or repeal in the Constitution, it is unconstitutional so to do, and that your enactment to that effect would be void. Stating that such power does not exist in the Legislature in the absence of such a provision in the Constitution, and admitting that after the adjudication to that effect by the Federal Supreme Court, in the Dartmouth College case, the provision now under consideration was incorporated in other State Constitutions, as was as in that of the State of California, to remedy the evil of not having such power, the objector deliberately turns away from our Constitution and tries to prove to the average mind that it is inoperative and void when applied to the railroad com-

pany; and why? Because, says the objector, the Act altering or changing the corporation law, and regulating charges, and preventing discrimination, would impair the obligation of a contract, and this would contravene the Constitution of the United States. Impair the contract! In such a case there is no contract. It is a privilege and power to create an artificial person—a corporation—under a general law, accorded by the State, with the express reservation in the Constitution, (which the Legislature could not avoid if it would), of the power to repeal or alter that law. If it were a contract, how then? The constitutional reservation forms a part of it. How the exercise of a power reserved in a contract is a violation of a contract is inconceivable. In the language of Justice Strong, in *Olcott v. The Supervisors*, sixteenth Wallace, page six hundred and seventy-eight: "This is a power reserved by the Constitution. The railroad can, therefore, be controlled and regulated by the State. Its use can be defined—its tolls and rates for transportation can be limited." It is claimed by some that though the Legislature may have the power in question it would be unnecessary, unwise, and unsafe, to exercise it at this time. The consideration of this objection suggests several propositions, which may be briefly noticed.

The undersigned believes that it is our solemn duty at this session to legislate upon this subject, regarded with reference to the relation of the representative to the people. During the campaign of eighteen hundred and seventy-three this matter was much discussed, and probably no one will question that the decision of the people was in favor of regulating fares and freights. No bill passed both the Houses at the last session, and the matter again came before the people in eighteen hundred and seventy-five. The question most discussed then was as to the party or person responsible for the failure at the last session. No one, that we are aware of, then denied either the power or the propriety of legislating upon this subject, and we think we hazard but little in saying scarcely any member of this House would now be here had he made such denial before his constituents. In view of this state of the case, it behooves us to make an honest, earnest effort to perfect and pass an Act which will sufficiently protect the people, and at the same time do no injustice to any railroad company. Are there good subsisting reasons for this desire and expectations of our constituents? If there be now, as in the past, daily demanded by railroad companies, charges for freight that are oppressive, and discriminations made that are unjust, the answer will be in the affirmative. A few facts now at hand will determine.

It is claimed by the managers of the principal railroads of this State that no unjust discriminations are made in the charges for the transportation of "freights." The undersigned finds great inequalities in the freight charges of the Central Pacific Railroad for the same classes of freight per ton per mile from San Francisco to important trade centers situated on different branches of the Central Pacific road. For example, the rates from San Francisco to Sacramento—one hundred and forty miles—per ton, are, for first class, three dollars and sixty cents; second class, three dollars and twenty cents; third class, two dollars and eighty cents; fourth class, two dollars and forty cents. From Lathrop to Goshen—one hundred and forty-six miles—the rates are, for first class, sixteen dollars and forty cents; second class, fourteen dollars and forty cents; third class, fourteen dollars; fourth class, four dollars and eighty cents. From Sacra-

mento to Red Bluff—one hundred and thirty-five miles—the rates are, for first class, twelve dollars; second class, seven dollars and forty cents; third class, seven dollars; fourth class, five dollars and twenty cents. The rate per ton per mile is, from San Francisco to Sacramento, first class, $2\frac{2}{3}$ cents; second class, $2\frac{1}{3}$ cents; third class, 2 cents; fourth class, $1\frac{2}{3}$ cents. From Lathrop to Goshen, first class, $11\frac{1}{3}$ cents; second class, 9 $\frac{1}{3}$ cents; third class, 9 $\frac{1}{3}$ cents; fourth class, 3 $\frac{1}{3}$ cents. From Sacramento to Red Bluff, first class, 8 cents; second class, 5 $\frac{1}{3}$ cents; third class, 5 $\frac{1}{3}$ cents; fourth class, 3 $\frac{1}{3}$ cents. The undersigned is at a loss to account for this great disparity in charges. The road from Lathrop to Goshen is level, while the road from San Francisco to Sacramento crosses the Coast range of mountains, still the rates to Goshen are from one to four hundred per cent. greater than from San Francisco to Sacramento, while the rates from Sacramento to Red Bluff, in the Sacramento Valley, are from one to three hundred per cent. greater than the San Francisco and Sacramento charges. The rates per ton per mile are found to be from thirty-three to one hundred per cent. greater in the San Joaquin than in the Sacramento Valley, except for fourth class, which is eight per cent. less. Certainly no just cause for this discrimination exists. All these stations being on valley roads, the cost of transportation per mile should be equal. The local rate for fifth class freight and lumber over the Sierra Nevada Mountains, from Sacramento to the "State line"—one hundred and thirty-eight miles, is less per ton per mile than the rates now charged for the same classes of freight on the San Joaquin or Oregon branches of the Central Pacific Railroad, while the cost of operating the mountain divisions has been claimed to be five times greater per mile than on the valley divisions. The distance from San Francisco east to the State line—two hundred and seventy-eight miles—the Central Pacific tariff on staple articles, like coal oil, is now forty-one dollars and seventy cents, coin, per ton, while the freight on coal oil in the same quantities from New York to San Francisco is only thirty dollars per ton, currency. Of this amount the Central Pacific Railroad receives but eight dollars and eighty cents from Ogden to San Francisco, or one cent per ton per mile. Under the proposed bill the charges would be six dollars and sixty cents, coin, or over one hundred per cent. more per mile than is now charged, for the same article, from Ogden to San Francisco. On such articles as rope, iron pipe, and sheet iron, the charges from San Francisco to "State line," are thirty-four dollars and eighty cents, coin, while the rate from New York to San Francisco is only thirty dollars to thirty-five dollars, currency, per ton, of which amount the Central Pacific receives, from Ogden to San Francisco, but eight dollars and eighty cents to ten dollars and twenty-five cents per ton. Under the proposed bill the charges from San Francisco to the "State line" would be six dollars and sixty cents, coin, per ton, or nearly double, per ton, the rate now charged from Ogden to San Francisco.

On articles like salted meats and salted fish, and similar staples, the charges from San Francisco to "State line" are twenty-three dollars and twenty cents per ton; the charges from Ogden to San Francisco are seventeen dollars and sixty-four cents per ton, or two cents per ton per mile; by the proposed bill the charges would be nine dollars and twenty cents coin, or some seventy-five per cent. more per mile than is now charged from Ogden to San Francisco.

The charges on coal from Ogden to San Francisco are nine dollars per ton, while the charges from San Francisco to Truckee are four dollars per ton. By the proposed bill the charges from San Francisco to Truckee would be five dollars and twenty cents per ton. (All these are car load rates.) More than three-quarters of all the freights from Ogden to San Francisco are now transported for less than two cents per ton per mile currency, while the charges from San Francisco to Truckee and State line are on an average from two to five hundred per cent. greater. These freights are classed as "local," when, as they are carried over the entire line of railroad that lies in this State, they should be classed as "through freights."

The tariff on lumber, shingles, staves, and shakes, under the rates provided by the proposed bill, are, for all distances over fifty miles, one cent and eight mills per ton per mile, or eighteen cents per car load per mile. Where the altitude exceeds fifteen hundred feet above the level of the sea, fifty per cent. additional is allowed.

Under this bill the rate per car load from Truckee to San Francisco would be fifty-four dollars, or three dollars more than the present rate. From Truckee to Merced the rate would be forty-nine dollars and sixty cents, or thirty dollars less than the present rate. From Truckee to Red Bluff the rate would be forty-six dollars and sixty cents; the present rate is fifty-three dollars—two dollars more than from Truckee to San Francisco, while the distance is forty-three miles less. From Alta to San Francisco, the rate would be forty dollars and fifty cents; the present rate is forty-three dollars. From Alta to Merced, the rate would be thirty-five dollars and eighty cents; the present rate is seventy-two dollars. From Alta to Sacramento, the rate would be sixteen dollars; the present rate is twenty-eight dollars. By this bill the rate for wood would be fifteen dollars and twenty cents; the present rate is twenty-one dollars. This bill equalizes the rates for lumber, staves, shingles, wood, and coal, to all stations in the State. At the present time, the rates charged per mile in the San Joaquin Valley are more than fifty per cent. higher than the rate in any other portion of this State; while the rates charged in the Sacramento Valley are more per mile than the rates over the Sierra Nevada Mountains to San Francisco.

It is said that unfriendly legislation upon this subject would be injurious to the railroad companies, and would be unjust to the people. That is conceded, and the undersigned avers that the bill presented has no such object or spirit. Indeed, we hold that if the railroad management were justly obnoxious to our censure, the people are too much interested in the railroads. When it is considered with what fostering care the State and General Governments have nursed these works, with what munificence they have endowed them, and how at this time every interest in this State is involved, the people's representatives could not afford to indulge in any unfriendly legislation. We believe that if the power to regulate were conceded, and the management thereof under and in obedience to the law, instead of in defiance of the State, it would be better for the companies and the people.

This bill classifies the railroads of this State, by their length in miles, into three classes. Class A are roads of twenty-five miles or less. Class B are roads of fifty and more than twenty-five miles. Class C are roads of more than fifty miles.

Roads of Class A, for all distances over five miles, are given a max-

imum rate on freight of twenty cents per ton per mile, and a maximum rate on passengers of ten cents per mile.

Roads of Class B, for all distances over five miles, are given a maximum rate on freight of fifteen cents per ton per mile, and a maximum rate on passengers of eight cents per mile.

Roads of Class C, for all distances over fifty miles, are given a maximum rate on first class freight of four cents per ton per mile; on the lowest class, of one cent and seven mills per ton per mile, and a maximum rate on passengers of four cents per mile, except where the altitude exceeds fifteen hundred feet, when they are allowed five cents per mile.

The classification of freights provided for in this bill is the same as is now used by the Central Pacific Railroad for all through freight passing over its line from Ogden to San Francisco (excepting grain, lumber, wood, and a few of the coarser articles of California productions), and by all great Eastern roads.

The tariff of charges on through freight at this date, from Ogden to San Francisco, in currency, is:

First class freight	4	cents per ton per mile.
Second class freight	3 $\frac{3}{10}$	cents per ton per mile.
Third class freight	2 $\frac{1}{10}$	cents per ton per mile.
Fourth class freight	2	cents per ton per mile.
Class A freight	1 $\frac{8}{10}$	cents per ton per mile.
Class B freight	1 $\frac{3}{10}$	cents per ton per mile.
Class C freight	1 $\frac{2}{10}$	cents per ton per mile.
Class D freight	1	cent per ton per mile.

The charges allowed by this bill on railroads of Class C, on all distances over fifty miles, are:

For first class freight	4	cents per ton per mile, coin.
For second class freight	3 $\frac{6}{10}$	cents per ton per mile, coin.
For third class freight	3 $\frac{2}{10}$	cents per ton per mile, coin.
For fourth class freight	2 $\frac{4}{10}$	cents per ton per mile, coin.
* Class A freight	2 $\frac{4}{10}$	cents per ton per mile, coin.
† Class B freight	2	cents per ton per mile, coin.
Grain freight	2	cents per ton per mile, coin.
Lumber, shingles, staves	1 $\frac{8}{10}$	cents per ton per mile, coin.
Wood and coal	1 $\frac{7}{10}$	cents per ton per mile, coin.

Whenever the altitude is fifteen hundred feet or more on railroads of Class C, fifty per cent. additional to these rates may be charged. These rates average from fifteen to one hundred per cent. more than is now charged on through freights by the Central Pacific Railroad, and are from fifty to seventy per cent. less than their present charges for local freights in this State. Governor Stanford, in his statement given your committee, states "that the average cost of transportation and travel over the railroads of this State is no greater than is charged on any of the first-class roads on this continent, when the circumstances affecting the business of railroads is fairly considered, and that the average cost of transportation in California is three and sixty-six one-hundredths cents per ton per mile."

* A includes A and B of through classification.

† B includes C and D of through classification. Live stock in car loads in this class.

After a careful investigation of this subject, your committee are led to believe that the main line of railroads in this State can be and are operated as cheap or even cheaper, per mile, than the great railroads of the Atlantic States.

Accompanying this report, and marked Exhibit A, will be found a tabulated statement showing the gross and net earning, charges and cost of transportation and travel, gross receipts per mile of road, etc., etc., of a number of the great Eastern railroads, as well as of the Union and Central Pacific Roads. In this connection the undersigned would state, that the average charges for transporting all through and local freight for the year eighteen hundred and seventy-four on the Union Pacific Railroad (where, owing to the higher altitude and severe storms, the cost of operating is greater per mile than on the California roads), was only one and eighty-four one-hundredths cents per ton per mile, or one-half of the average charge per ton per mile of the Central Pacific Railroad, as given by Governor Stanford to your committee.

The foregoing considerations, it is believed, suffice for the present, though many others may be presented. The power of the Legislature to limit and restrain railroad companies from making exorbitant charges and unjust discriminations have been shown. The necessity of exercising that power at this time has been made apparent by pointing out existing abuses. The just expectation of the people in this behalf, with our corresponding duty, has been noted. The substitute bill now recommended has been explained, and is with confidence urged upon the consideration of the Assembly. It probably has imperfections in the details, but the principles involved are sound. It has not been conceived, and is not presented in any unfriendly spirit to any person, natural or artificial, but solely in the interest of the people, with due regard to the rights of the roads.

Respectfully submitted.

L. ARCHER, Chairman,
Committee on Corporations.

I fully concur with the Chairman of your committee in the views and principles set forth in the foregoing report, but have not examined the subject with sufficient care to hold myself responsible for the facts therein stated. I am of the opinion that there is in the bill under consideration too much discrimination made between short and long roads. I heartily concur in recommending the passage of a bill of this nature, and indeed the bill under consideration, with a few amendments.

THO. M. SWAN,
One of your Committee on Corporations.

EXHIBIT A.

CENTRAL PACIFIC RAILROAD.

LENGTH, 1,222 MILES—INCLUDING SAN JOAQUIN, OREGON, AND ALAMEDA BRANCHES.

Fare, first class through passenger, per mile (currency)	5 $\frac{2}{10}$ cents.
Second class (emigrant) through passenger, per mile (currency)	2 $\frac{1}{10}$ cents.
First class way passenger, per mile, average (coin)	5 $\frac{3}{10}$ cents.

This does not include the San Francisco and Oakland passengers, as Governor Stanford states to Senate committee (page 36, Appendix to Journal of Senate and Assembly, twentieth session) that it "is an entirely separate piece of road from the Central Pacific proper."

Through and local freights per ton, per mile, averaged charges	3 $\frac{66}{100}$ cents.
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(See Governor Stanford's statement to Senate committee, twentieth session, page 15.) This price includes all Eastern freights, most of which pay less than two cents per ton, per mile; consequently the average rate for California freight alone would be much higher.

Total receipts for 1874	\$14,234,714
Total operating expenses	5,767,527
Earnings over operating expenses, 1874	\$8,467,186
Gross earnings per mile, 1874	11,648
Total receipts for 1875	16,970,000
Same number of miles of railroad operated as in 1874.	
Gross earnings per mile, 1875	13,800

Increase in one year—over fifteen per cent., with forty million pounds less through freight and a light crop in California.
Per cent. of operating expenses to receipts, forty-one per cent.

UNION PACIFIC RAILROAD.

LENGTH, 1,030 MILES.

Charges on freight east and west—	
Through—average per ton, per mile (currency)-----	1 $\frac{51}{100}$ cents.
Local—average per ton, per mile (currency)-----	2 $\frac{22}{100}$ cents.
Total average charged on all through and local freight for the year 1874, per ton, per mile (currency)-----	1 $\frac{84}{100}$ cents.
Total receipts for the year 1874-----	\$10,559,880
Operating expenses for the year 1874-----	4,652,314
Net earnings for the year 1874-----	\$5,907,566
Gross earnings per mile of road-----	10,252

Per cent. of operating expenses (not including interest and taxes) to gross earnings, forty-four per cent.

(See Poor's Railroad Manual for 1875, page 758.)

LAKE SHORE AND MICHIGAN SOUTHERN RAILROAD.

LENGTH, 1,404 MILES—IN NEW YORK, PENNSYLVANIA, OHIO, INDIANA, ILLINOIS, AND MICHIGAN.

Fare charged first class through passengers, per mile----	2 $\frac{1}{2}$ cents.
Fare charged first class way passengers, per mile-----	2 $\frac{1}{2}$ cents.
Fare charged second class through passengers, per mile----	2 cents.
Fare charged second class way passengers, per mile-----	2 cents.
Charged for through freight per ton, per mile-----	1 $\frac{20}{100}$ cents.
Charged for local freight per ton, per mile-----	2 cents.
Charged for local coal per ton, per mile-----	1 $\frac{20}{100}$ cents.
Average on all through and local freight per ton, per mile-----	2 $\frac{18}{100}$ cents.
Cost of transporting all through and local freight, average per ton, per mile-----	8 mills.
Cost of transporting all through and local passengers, average per mile-----	1 $\frac{1}{2}$ cents.
Total receipts, 1874-----	\$17,146,130
Total operating expenses, 1874 (not including interest and taxes)-----	10,652,714
Net earnings for 1874-----	\$6,493,416
Gross earnings per mile-----	12,211

Per cent. of operating expenses to gross receipts, sixty-two per cent.
(See sworn statement, Auditor's report, Pennsylvania, 1875, page 490.)

PENNSYLVANIA CENTRAL RAILROAD.

LENGTH, 1,552 MILES—BRANCHES AND LOCAL ROADS IN PENNSYLVANIA INCLUDED.

Fare charged for first class through passengers, per mile.	2 $\frac{1}{2}$ cents.
Fare charged for first class way passengers, per mile-----	3 cents.
Fare charged for second class through passengers, per mile-----	1 $\frac{9}{10}$ cents.
Fare charged for second class way passengers, per mile-----	1 $\frac{9}{10}$ cents.
Charges for through and local freights, averaged per ton per mile-----	1 $\frac{1}{2}$ cents.
Cost of transporting all through and local freights per ton, per mile-----	$\frac{3}{4}$ cents.
Cost of transporting all through and local passengers, per mile-----	1 $\frac{1}{2}$ cents.
Total receipts for 1874-----	\$22,642,371
Operating expenses for 1874, not including interest and taxes-----	13,225,627
Net earnings for 1874-----	\$9,416,744
Gross earnings per mile-----	14,589

Per cent. of operating expenses to receipts, sixty per cent.

Dividends, ten per cent. per annum on \$65,140,795 stock.

(See sworn statement, Auditor's Report, Pennsylvania, for 1875, page 606.)

NEW YORK CENTRAL RAILROAD.

LENGTH, 1,716 MILES—INCLUDING BRANCHES AND HUDSON RIVER RAILROAD.

Fare charged for first class through passengers, per mile.	2 $\frac{3}{4}$ cents.
Fare charged for first class way passengers, per mile-----	2 & 2 $\frac{1}{2}$ cents.
Fare charged for second class through passengers, per mile-----	1 $\frac{1}{2}$ cents.
Fare charged for second class way passengers, per mile-----	1 $\frac{1}{2}$ cents.
No report on charges or cost of transporting freight.	
No report of cost of transporting passengers for 1874.	
Total receipts for 1874-----	\$29,126,851
Operating expenses for 1874 (not including interest)-----	17,641,987
Net earnings for 1874-----	\$11,484,864
Gross earnings per mile-----	16,990

Per cent. of operating expenses to receipts, sixty per cent.

Average charges per ton per mile for all thorough and local freight transported for the years 1872-3, per ton, per mile, 1 $\frac{22}{100}$ cents.

(See Poor's Railroad Manual, 1875, page 812.)

(See New York Legislative Reports for 1874, page 610.)

NEW YORK AND ERIE RAILROAD.

LENGTH, 1,637 MILES.

Fare charged for first class through passengers, per mile	2 $\frac{33}{100}$ cents.
Fare charged for first class way passengers, per mile	2 $\frac{75}{100}$ cents.
Fare charged for second class through passengers, per mile	1 $\frac{97}{100}$ cents.
Fare charged for second class way passengers, per mile	1 $\frac{87}{100}$ cents.
Charges for through freight per ton, per mile	1 cent.
Charges for local freight per ton, per mile	2 $\frac{9}{10}$ cents.
Charges for local coal per ton, per mile	1 $\frac{1}{2}$ cents.
Cost of transporting all through and local freight, average per ton, per mile	2 $\frac{12}{100}$ cents.
Cost of transporting all through and local passengers, average per mile	2 $\frac{1}{2}$ cents.
Total receipts for 1874	\$18,595,898
Expense of operating road for 1874	13,563,738
Net earnings for 1874	\$5,032,160
Gross earnings per mile	11,360

Per cent. of operating expenses, seventy-three per cent.

Average charges per ton, per mile, for all through and local freight transported for the year 1872-3, 1 $\frac{52}{100}$ cents.

(See Poor's Railroad Manual for 1875, page 812.)

(See sworn statement, Auditor's Report, Pennsylvania, for 1875, page 443.)

PITTSBURGH, FORT WAYNE, AND CHICAGO RAILROAD.

LENGTH, 517 MILES.

Fare charged first class through passengers, per mile	3 cents.
Fare charged first class way passengers, per mile	3 $\frac{1}{2}$ cents.
Fare charged second class through passengers, per mile	2 $\frac{15}{100}$ cents.
Charges for through freight, per mile	1 cent.
Charges for local freight, per mile	1 $\frac{8}{10}$ cents.
Cost of transporting all through and local freight, averaged, per ton, per mile	7 $\frac{52}{100}$ cents.
Cost of transporting all through and local passengers, averaged, per mile	1 $\frac{7}{10}$ cents.
Total receipts for 1874	\$8,675,738
Operating expenses for 1874 (not including interest and taxes)	4,784,976
Net earnings for 1874	\$3,890,762
Gross earnings per mile	16,780

Per cent. of operating expenses to receipts, fifty-five per cent.

(See sworn statement, Auditor's Report, Pennsylvania, for 1875, page 693.)

ATLANTIC AND GREAT WESTERN RAILROAD.

LENGTH, 605 MILES—IN NEW YORK, PENNSYLVANIA, AND OHIO.

Fare charged for first class through passengers, per mile	2 $\frac{1}{2}$ cents.
Fare charged for first class way passengers, per mile	3 cents.
Fare charged for second class through passengers, per mile	2 cents.
Charges for through freight per ton, per mile, averaged	1 to 3 cents.
Charges for through coal per ton, per mile, averaged	1 to 1 $\frac{1}{2}$ cents.
Charges for local freight per ton, per mile, averaged	1 $\frac{1}{2}$ to 5 cents.
Charges for local coal per ton, per mile, averaged	1 $\frac{1}{2}$ to 3 cents.
Cost of transporting through and way passengers, averaged, per mile	1 $\frac{68}{100}$ cents.
Cost of transporting all through and way freights per ton, per mile, averaged	1 $\frac{97}{100}$ cents.
Total receipts for 1874	\$4,838,257
Operating expenses for 1874 (not including interest and taxes)	3,629,315
Net earnings for 1874	\$1,208,942
Gross earnings per mile	8,000

Per cent. of operating expenses to receipts, seventy-five per cent.

(See sworn statement, Auditor's Report, Pennsylvania, for 1875, page 315.)

ALLEGHANY VALLEY RAILROAD.

LENGTH, 242 MILES—PENNSYLVANIA.

Fare charged for through passengers, per mile	3 $\frac{1}{2}$ cents.
Fare charged for way passengers, per mile	3 $\frac{1}{2}$ cents.
Charges for through freight per ton, per mile, averaged	2 cents.
Charges for through coal per ton, per mile, averaged	1 $\frac{25}{100}$ cents.
Charges for local freight per ton, per mile, averaged	3 cents.
Charges for local coal per ton, per mile, averaged	1 $\frac{75}{100}$ cents.
Cost of transporting through and way passengers, average per mile	1 $\frac{7}{10}$ cents.
Cost of transporting all through and way freight per ton, per mile, average	8 $\frac{49}{100}$ cents.
Total receipts for 1874	\$2,479,176
Operating expenses for 1874 (not including interest)	1,629,720
Net earnings for 1874	\$849,456
Gross earnings per mile	10,200

Per cent. of operating expenses to receipts, sixty-six per cent.

(See sworn statement, Auditor's Report, Pennsylvania, for 1875, page 306.)

ILLINOIS CENTRAL RAILROAD.

LENGTH, 1,107 MILES—INCLUDING BRANCHES.

No report of cost of transporting passengers and freights over this road, nor charges for transporting same.

Total receipts for 1874.....	\$7,900,721
Operating expenses for 1874 (not including interest and taxes).....	4,030,150
Net earnings for 1874.....	\$3,870,571
Gross earnings per mile.....	7,136

Per cent. of operating expenses to receipts, fifty-one per cent.
(See Poor's Manual of Railroads for 1875, page 505.)

CHARGES FOR TRANSPORTATION

Of through and local freights per ton, per mile, for the following railroads in Illinois, 1874.

Ohio and Mississippi Railroad:

Through freight, averaged.....	1 $\frac{24}{100}$ cents.
Local freight, averaged.....	2 $\frac{18}{100}$ cents.

Michigan Central Railroad:

Through freight, averaged.....	1 $\frac{10}{100}$ cents.
Local freight, averaged.....	2 $\frac{24}{100}$ cents.

Chicago, Burlington, and Quincy Railroad:

Through freight, averaged.....	1 $\frac{89}{100}$ cents.
Local freight, averaged.....	2 $\frac{83}{100}$ cents.

Chicago, Danville, and Vincennes Railroad:

Through freight, averaged.....	1 $\frac{25}{100}$ cents.
Local freight, averaged.....	2 $\frac{50}{100}$ cents.

(See Report of Railroad Commissioners for State of Illinois, for year 1874.)

BIENNIAL REPORT
OF
The State Board of Equalization,
FOR
THE YEARS 1874 AND 1875.

REPORT.

OFFICE OF THE STATE BOARD OF EQUALIZATION,
SACRAMENTO, November 12th, 1875. }

To His Excellency,
ROMUALDO PACHECO,
Governor of California:

The State Board of Equalization herewith submit to your Excellency the following report:

The statements particularly required by the Political Code to be reported are contained in the several schedules hereto annexed.

Schedule A shows the number of acres of land assessed in each county, exclusive of city and town lots, and the average value per acre exclusive of improvements thereon, in the years eighteen hundred and seventy-two, eighteen hundred and seventy-three, and eighteen hundred and seventy-four.

Schedule A-2, shows the same in the years eighteen hundred and seventy-four and eighteen hundred and seventy-five.

Schedule B shows the aggregate value of all city and town lots in the several counties, in the year eighteen hundred and seventy-four.

Schedule B-2, shows the same in the year eighteen hundred and seventy-five.

Schedule C shows the total value of all real estate and total value of all personal property, and the total value of both, in the several counties, in the year eighteen hundred and seventy-four, as reported by Assessors.

Schedule C-2, shows the same in the year eighteen hundred and seventy-five.

Schedule D shows the kinds of personal property, and the assessed value of each kind, in the several counties, in the year eighteen hundred and seventy-four.

Schedule D-2, shows the same in the year eighteen hundred and seventy-five.

Schedule E is a summary statement of the reports of the Auditors of the several counties, after equalization by the County Boards of Equalization, showing the number of acres, value thereof, value of improvements, value of personal property exclusive of money, the amount of money, and the total value of all property, for the year eighteen hundred and seventy-four.

G. H. SPRINGER.....STATE PRINTER.

Schedule E-2, is the same for the year eighteen hundred and seventy-five.

Schedule F shows the total value of real estate, total value of personal property, and total value of both, as reported by the County Auditors, after equalization by the County Boards of Equalization, in eighteen hundred and seventy-three and eighteen hundred and seventy-four.

Schedule F-2, shows the same for the years eighteen hundred and seventy-four and eighteen hundred and seventy-five.

Schedule G, showing the assessed values of mining claims and improvements thereon, telegraph lines, railroads, mining ditches, irrigating ditches, and possessory claims, in the year eighteen hundred and seventy-four.

Schedule G-2, showing the same for the year eighteen hundred and seventy-five.

Schedule H is a comparative table, showing the assessed values and the equalized values, in the several counties in eighteen hundred and seventy-four and eighteen hundred and seventy-five, from the Assessors' and Auditors' reports.

Schedule I shows the total rate of State and county tax upon each one hundred dollars of property in each year, from eighteen hundred and seventy-one to eighteen hundred and seventy-five, inclusive.

Schedule J shows the solvent debts in eighteen hundred and seventy-two, eighteen hundred and seventy-four, and eighteen hundred and seventy-five, assessed in the several counties.

The Appendix hereto, under the head of "Expenditures," contains a statement of the receipts and disbursements of the Board, from November first, eighteen hundred and seventy-three (the date of the last report) until the twelfth day of November, eighteen hundred and seventy-five.

RATE OF STATE TAX.

The State tax for each of the years, eighteen hundred and seventy-two and eighteen hundred and seventy-three, was fifty cents upon each one hundred dollars value of property. In eighteen hundred and seventy-four this tax was sixty-four and nine tenths cents, and in eighteen hundred and seventy-five was sixty and one half cents.

The total amount of revenue required to be raised in each of the years, eighteen hundred and seventy-two and eighteen hundred and seventy-three, was \$2,122,000. In eighteen hundred and seventy-four, the amount required was \$3,234,000, and in eighteen hundred and seventy-five, the amount required was \$3,066,000.

In each of the years, eighteen hundred and seventy-two and eighteen hundred and seventy-three, the sum of \$240,000 was appropriated to the School Fund. These appropriations were increased, in eighteen hundred and seventy-four, to the sum of \$1,110,000, and in eighteen hundred and seventy-five, to the sum of \$1,130,000.

The increased rates of the State tax, in the two years last mentioned, over the rates of the two years preceding, are almost exclusively due to the above mentioned large additions to the School Fund.

ASSESSED VALUES AND SOLVENT DEBTS.

The great increase in the assessed value of the property of the State, which was produced in eighteen hundred and seventy-two, over the

values of former years, by the effect of the Code and the operations of the State Board of Equalization, has been maintained without much diminution. The increase, from eighteen hundred and seventy-one, eighteen hundred and seventy-two, was from \$268,709,133 to \$636,371,114. In eighteen hundred and seventy-three, the total value fell back to \$527,203,982. This was caused almost entirely by the fact that that year solvent debts were not assessed, it being then understood that the Supreme Court held such property not subject to taxation where the debt was secured by mortgage upon land, and the land was at the same time taxed for its full value. In eighteen hundred and seventy-four, solvent debts being included in the assessments, the value rose to \$607,220,630. In eighteen hundred and seventy-five, under the same conditions as to solvent debts, the total value was \$617,960,566, though in the latter year the assessment of solvent debts secured by mortgage upon lands was very irregularly and imperfectly effected. The Assessors generally listed the property, but the County Boards of Equalization, in many of the counties, canceled the assessments, acting under the belief that it would be double taxation to tax a debt secured by mortgage, and, at the same time, to tax the mortgaged property for its full value.

The right to tax solvent debts of the kind just mentioned, namely those secured by mortgage upon property taxed at its full value, is strenuously contested by owners of such property. The question remains in doubt, in consequence of the conflicting opinions of the Judges of the Supreme Court upon the subject, expressed in several cases, which the question was more or less directly involved.

At the date of this report, there is a case upon the calendar of the Supreme Court ready for hearing (*The People, etc., and City and County of San Francisco vs. Hibernia Savings Bank*), in which it is believed the vexed question, standing alone upon its merits, will receive an early and final solution. As long as the present uncertainty respecting the liability of this kind of property to taxation continues, very little revenue will be obtained from it. Even if its definite and certain subjection to assessment for taxation were absolutely fixed by unequivocal judicial decisions, it would still prove an uncertain source of revenue, by reason of the evasion and resistance which always has to be met in pursuing this kind of property, and the difficulties necessarily encountered by the Assessors in discovering, and the Tax Collectors in finding, seizing, and selling it.

The taxing of solvent debts, so far as providing for it by law, is a new thing in this State. Our revenue laws have always required. The Code added nothing more than to provide a more efficient observance of the law respecting the equal and uniform taxation of all kinds of property. But experience has shown, not only in this, but in other States, that it is impossible to realize anything like equality and uniformity in obtaining taxes from immovable property. The attempt invariably results in the annual imposition of the tax burden upon comparatively few small owners, and the escape of the larger number, embracing, except in rare instances, all the large owners.

One of the innumerable evils resulting from the unavailing efforts to obtain taxes from solvent debts, is the annual delinquencies in the collection of the taxes. The Legislature makes the necessary appropriation to carry on the Government. A rate of taxation upon the assessed value of all the property in the State (including the solvent debts), fixed sufficient to produce the amount of the appropriations, after making

an allowance for costs of collection and ordinary delinquencies in collection. But the delinquencies in collecting the taxes levied upon solvent debts are always extraordinary, and the consequence is that the moneys raised are always insufficient to meet the appropriations, and a budget of deficiencies is necessarily presented to each new Legislature, to be provided for by means of a higher rate of tax levy in the ensuing year.

REFORMS IN TAXATION REALIZED.

The causes which led to the creation of the State Board of Equalization, namely, the great inequalities in the valuation of property in different counties, and even in the same counties, have been, in a very considerable measure, removed. Much, however, remains to be done. It is quite certain that there is room for a still nearer approach to the full cash value rule of assessment in many parts of the State. This is the only standard rule which in practice will produce the equality and uniformity of taxation demanded by the Constitution, and by every principle of justice. By an adherence to it on the part of every Assessor, it is manifest that fair and just taxation will ensue. This, as much, and perhaps more than any other consideration, will be found to satisfy the taxpayer. How widely this rule was departed from prior to eighteen hundred and seventy-two, is well known. A thorough investigation of the subject in eighteen hundred and seventy-one, showed that for many years real and personal property had been assessed in different counties at rates ranging from fifteen to eighty-five per cent of the full cash value, and that the higher rates prevailed in the poorer counties, and the lowest rates in the wealthiest counties. Yet the revenue law of eighteen hundred and sixty-one, which was in force up to the time when the revenue portions of the Codes went into effect, in eighteen hundred and seventy-two, strictly required every Assessor to assess all property at its full cash value.

The reform which has been realized since the establishment of a State Board of Equalization, can be preserved from a gradual relapse into the former condition, and be further extended, by an active supervision over the Assessors on the part of the State Board; by an enforcement upon them of an observance of such rules as experience from time to time may suggest; by aiding them with advice and assistance in the many difficult and perplexing questions with which they have to deal; and by furnishing them promptly with intelligible information respecting all the laws applicable to them and their duties, and the changes necessarily caused by new legislation, and by judicial decisions in the numerous cases in which the collection of taxes are contested upon the ground of irregularities and defects in the form of the assessments.

There is a natural and ever active desire on the part of even the most conscientious taxpayer to have his property rated low for purposes of taxation. This operates as a constant pressure upon the Assessor by the most valued and the most feared of his constituency. To bear up against this influence the State Board is a valuable ally, and also a sharer of the responsibility for insisting upon a strict adherence to the law in all cases.

SALES FOR DELINQUENT TAXES TO THE STATE.

The last Legislature amended section three thousand seven hundred and seventy-three of the Political Code, so as to provide that in case,

after offering property advertised for sale for delinquent taxes twice without finding a purchaser in good faith, then the property should be "struck off to the people of the State as the purchaser, and the duplicate certificate delivered to the County Treasurer, and filed by him in his office." Redemptions from such sales are provided for as in other cases. Section three thousand eight hundred and sixteen provides that "whenever the State shall receive from the Tax Collector any grant of property so sold for taxes, the same shall be recorded at the request of the County Treasurer, free of charge, by the County Recorder, and shall be immediately reported by the County Treasurer to the Board of Equalization." Up to the present time there have been no grants to the State under this law reported to the Board from any of the County Treasurers. The time for redemption in such cases has but recently expired, and probably when these reports are received, it will appear that the sales to the State have been in most cases redeemed.

Respectfully submitted.

JAMES J. GREEN,
SMITH BROWN,
A. P. CATLIN.

J. G. EASTMAN, Secretary.

SCHEDULE A.

Showing the number of acres of land assessed in each county, exclusive of city and town lots, and the average value per acre, exclusive of improvements thereon, in eighteen hundred and seventy-two, eighteen hundred and seventy-three, and eighteen hundred and seventy-four, from the Assessors' reports.

COUNTIES.	Number of acres in 1872.	Average value per acre, 1872.	Number of acres in 1873.	Average value per acre, 1873.	Number of acres in 1874.	Average value per acre, 1874.
Alameda.....	402,985	\$38 85	400,998	\$38 47	396,818	\$38 01
Alpine.....	31,797	2 48	43,918	3 43	45,131	3 86
Amador.....	109,641	8 27	126,490	2 55	135,091	3 17
Butte.....	356,289	9 23	412,866	7 82	427,003	8 35
Calaveras.....	126,627	80	142,176	94	153,814	1 92
Colusa.....	806,258	5 89	867,575	5 68	905,166	5 73
Contra Costa.....	418,898	10 49	422,434	10 51	428,147	10 89
Del Norte.....	39,526	8 59	42,657	8 73	43,034	8 83
El Dorado.....	200,000	1 59	169,106	2 37	178,281	2 86
Fresno.....	1,357,475	2 51	1,444,133	2 32	1,502,231	2 77
Humboldt.....	267,028	5 34	279,062	4 50	359,676	3 41
Inyo.....	88,272	5 59	44,385	5 37	47,672	5 36
Kern.....	657,694	1 62	762,902	1 36	675,204	1 38
Klamath.....	28,240	10 58	29,314	9 27	28,240	8 74
Lake.....	145,726	5 80	156,208	5 27	166,673	5 34
Lassen.....	70,907	1 68	99,920	2 03	113,245	2 09
Los Angeles.....	1,131,652	3 89	1,137,070	3 33	1,173,327	3 37
Marin.....	308,000	24 02	316,096	16 37	318,685	13 78
Mariposa.....	139,677	2 31	147,960	1 56	161,682	1 68
Mendocino.....	668,479	2 79	525,266	3 55	519,173	3 71
Merced.....	338,392	5 67	657,857	4 21	1,018,768	3 91
Modoc.....	39,000	1 92	33,880	1 73	37,815	2 40
Mono.....	990,171	7 85	1,002,755	6 90	717,864	2 96
Monterey.....						7 17

Alameda.....	308,595	12 81	310,415	12 82	321,550	12 37
Alpine.....	149,646	3 26	150,074	3 43	170,000	3 87
Amador.....	232,878	2 68	245,322	3 31	265,447	4 90
Butte.....	91,867	1 74	90,367	1 43	98,719	5 63
Calaveras.....	597,088	6 72	610,196	6 32	615,042	8 63
Colusa.....					299,720	9 15
Contra Costa.....	361,004	1 36	370,880	1 33	302,407	1 34
Del Norte.....	928,496	1 00	825,363	1 53	6,569	216 39
El Dorado.....	7,443	297 65	7,162	324 39	864,534	11 22
Fresno.....	831,054	10 40	854,136	9 89	1,008,000	2 34
Humboldt.....	849,874	1 96	1,055,637	1 39	253,405	24 09
Inyo.....	258,114	27 55	246,583	26 08	981,738	2 56
Kern.....	1,538,500	1 96	942,976	2 46	549,580	22 33
Klamath.....	521,714	24 50	533,577	22 45	227,383	14 94
Lake.....	208,968	15 12	215,736	15 03	44,631	3 15
Lassen.....	78,044	4 26	77,742	3 53	53,331	2 75
Los Angeles.....	86,628	2 15	87,106	2 31	157,217	2 78
Marin.....	171,866	4 33	229,923	4 45	474,555	10 71
Mariposa.....	565,054	11 58	482,311	14 70	601,743	12 40
Merced.....	622,605	14 89	601,862	13 32	688,055	13 43
Modoc.....	676,067	4 63	673,140	5 38	383,307	7 30
Mono.....	246,744	7 89	343,060	6 92	197,348	6 14
Monterey.....	15,449	6 63	241,385	4 94	58,128	2 85
Mendocino.....	388,771	1 66	26,389	3 59	629,018	2 44
Merced.....	141,960	2 59	449,676	3 58	159,500	1 22
Modoc.....		1 27	146,878	1 13	418,180	3 40
Mono.....			488,751	3 62	602,667	4 90
Monterey.....	476,667	10 23	416,883	11 66	213,921	4 70
Mendocino.....	197,623	4 31	204,658	4 73		
Totals.....	20,029,890		20,466,806		21,122,627	

SCHEDULE A-2.

Showing the number of acres of land assessed in each county, exclusive of city and town lots, and the average value per acre, exclusive of improvements thereon, in eighteen hundred and seventy-four and seventy-five, from the Assessors' reports.

COUNTIES.	Number of acres in 1874.	Average value per acre, 1874.	Number of acres in 1875.	Average value per acre, 1875.
Alameda.....	366,313	\$36.07	401,336	\$47.31
Alpine.....	45,131	2.98	52,962	2.73
Amador.....	135,091	2.17	138,175	6.36
Butte.....	427,603	8.23	504,596	10.79
Calaveras.....	154,914	1.02	182,683	2.25
Colusa.....	988,108	5.73	1,052,868	5.98
Contra Costa.....	488,747	10.59	445,668	10.21
Del Norte.....	48,034	8.53	44,331	3.67
El Dorado.....	173,231	9.66	183,679	3.33
Fresno.....	1,502,331	3.66	1,602,171	3.60
Humboldt.....	369,675	2.77	487,983	3.23
Inyo.....	47,672	8.81	49,377	7.21
Kern.....	675,204	2.48	811,399	1.76
Klamath.....	23,240	3.74	.....	.....
Lake.....	160,673	6.04	171,370	5.65
Lassen.....	116,245	2.09	123,393	2.23
Los Angeles.....	1,173,327	3.37	1,177,396	4.12
Los Angeles.....	318,685	13.78	321,153	14.22
Mariposa.....	161,682	1.08	178,529	2.82
Mendocino.....	513,173	3.71	646,721	3.47
Merced.....	1,046,768	3.91	999,237	4.07
Modoc.....	109,533	2.90	100,032	2.15
Monterey.....	37,515	9.03	39,288	1.91
Monterey.....	711,334	7.17	741,235	7.83

Napa.....	821,550	12.37	326,129	13.34
Nevada.....	179,900	2.87	187,502	7.62
Placer.....	268,447	4.90	288,636	9.75
Plumas.....	98,719	5.66	127,380	6.81
Sacramento.....	613,042	6.66	599,511	9.95
San Benito.....	290,720	9.16	303,019	8.89
San Bernardino.....	412,155	1.81	384,347	3.56
San Diego.....	802,407	1.34	809,703	1.28
San Francisco.....	6,869	216.69	6,692	207.06
San Joaquin.....	864,434	12.22	846,443	11.64
San Luis Obispo.....	1,068,000	2.34	1,019,678	2.85
San Mateo.....	233,405	24.09	273,694	15.54
Santa Barbara.....	981,736	2.56	904,539	2.93
Santa Clara.....	549,380	22.58	548,300	24.66
Santa Cruz.....	227,983	14.64	232,769	14.96
Shasta.....	54,481	3.98	109,965	5.45
Siskiyou.....	53,381	2.75	63,688	2.69
Stanislaus.....	187,217	2.78	273,377	2.73
Sutter.....	474,955	10.71	475,812	19.56
Tehama.....	681,343	12.40	596,414	13.37
Tulare.....	686,055	6.43	726,521	6.48
Trinity.....	868,807	7.50	357,597	7.72
Yuba.....	197,348	6.14	342,730	3.89
Yuba.....	28,128	2.95	34,570	7.28
Yuba.....	520,018	2.44	859,999	2.34
Yuba.....	159,500	1.22	146,194	2.25
Yuba.....	418,180	3.40	451,205	3.63
Yuba.....	502,267	9.80	467,725	9.60
Yuba.....	213,921	4.70	317,596	6.72
Totals.....	21,122,627	.....	22,484,648	.....

SCHEDULE B.

Showing the aggregate value of all city and town lots in the several counties, in eighteen hundred and seventy four.

COUNTIES.	City and town lots.	Improvements on the same.	Total value.
Alameda	\$10,872,885	\$3,804,791	\$14,677,676
Alameda	26,150	6,875	33,025
Alameda	38,530	279,010	307,540
Alameda	387,336	485,846	873,182
Alameda	34,164	142,385	176,549
Alameda	144,485	218,831	363,316
Alameda	142,574	265,938	408,512
Alameda	41,835	76,345	118,180
Alameda	77,875	134,207	212,082
Alameda	80,408	53,105	133,513
Alameda	347,685	436,740	784,425
Alameda	38,721	119,848	158,569
Alameda	28,850	78,235	107,085
Alameda	8,270	7,460	15,730
Alameda	38,344	32,467	70,811
Alameda	15,875	38,875	54,750
Alameda	1,854,768	1,204,265	3,059,033
Alameda	499,860	384,880	884,740
Alameda	14,330	58,785	73,115
Alameda	118,560	231,831	350,391
Alameda	245,400	132,720	378,120
Alameda	2,385	16,285	18,670
Alameda	554,108	352,965	907,073
Alameda	866,860	594,785	1,461,645
Alameda	258,755	788,055	1,046,810

Placer	187,374	308,897	445,771
Plumas	14,370	53,070	67,440
Sacramento	8,000,767	4,525,860	12,526,627
San Benito	162,744	116,090	278,834
San Bernardino	85,848	126,402	212,250
San Diego	735,996	929,880	1,665,876
San Francisco	129,850,609	31,845,785	161,696,394
San Francisco	2,494,984	1,694,304	4,189,288
San Francisco	152,090	135,490	287,580
San Francisco	594,620	940,300	1,534,920
San Francisco	489,219	645,104	1,134,323
San Francisco	6,152,985	3,845,025	10,000,010
San Francisco	700,159	681,715	1,381,874
San Francisco	23,506	70,608	94,114
San Francisco	21,020	186,249	207,269
San Francisco	41,080	153,785	194,865
San Francisco	1,025,467	1,157,025	2,182,492
San Francisco	978,207	1,468,730	2,446,937
San Francisco	142,398	1,468,730	1,611,128
San Francisco	54,599	10,108	64,707
San Francisco	81,898	405,848	487,746
San Francisco	5,090	18,875	23,965
San Francisco	11,055	223,309	234,364
San Francisco	68,411	138,614	207,025
San Francisco	134,085	38,870	172,955
San Francisco	384,173	684,820	1,068,993
San Francisco	586,920	966,750	1,553,670
Totals	\$155,492,253	\$66,321,133	\$221,813,386

SCHEDULE B-2.

Showing the aggregate value of all city and town lots in the several counties, in eighteen hundred and seventy-five.

COUNTIES.		City and town lots.	Improvements on the same.	Total value.
Alameda.....	Alameda Township.....	\$611,375	\$190,650	\$802,025
	Brooklyn Township.....	1,469,685	518,225	1,987,910
	Eden Township.....	144,300	172,315	316,615
	Murray Township.....	80,000	67,000	147,000
	Oakland.....	10,313,630	3,752,125	14,065,755
	Washington Township.....	40,850	71,625	112,475
	Alameda.....	40,000	5,000	45,000
	Alameda.....	94,620	269,899	364,519
	Alameda.....	472,624	612,125	1,084,749
	Alameda.....	35,258	144,625	179,883
Alameda.....	Alameda.....	144,740	273,941	418,681
	Alameda.....	181,141	208,698	389,839
	Alameda.....	37,890	79,645	117,535
	Alameda.....	129,506	165,506	295,011
	Alameda.....	141,794	94,845	236,639
	Alameda.....	303,995	375,620	679,615
	Alameda.....	50,279	124,860	175,139
	Alameda.....	50,143	94,866	144,989
	Alameda.....	42,182	96,838	139,020
	Alameda.....	15,135	42,150	57,285
Alameda.....	Alameda.....	3,043,256	1,857,179	4,900,435
	Alameda.....	479,631	869,416	1,349,047
	Alameda.....	20,660	55,240	75,900
	Alameda.....	102,637	241,605	344,242
	Alameda.....	209,805	158,430	368,235
	Alameda.....	4,669	25,909	30,578
	Alameda.....			
	Alameda.....			
	Alameda.....			
	Alameda.....			
Totals.....		\$164,504,775	\$71,375,580	\$235,880,355
Totals.....				\$17,381,330
Alameda.....	Alameda.....	1,655	13,115	14,770
	Alameda.....	678,350	452,440	1,130,790
	Alameda.....	597,565	614,570	1,212,135
	Alameda.....	282,230	800,040	1,082,270
	Alameda.....	84,813	98,280	183,093
	Alameda.....	94,789	247,553	342,342
	Alameda.....	5,825	7,609	12,434
	Alameda.....	12,415	108,240	120,655
	Alameda.....	2,981,730	4,222,090	7,203,820
	Alameda.....	184,067	169,640	353,707
Alameda.....	Alameda.....	106,318	144,270	250,588
	Alameda.....	637,703	230,250	867,953
	Alameda.....	126,228,551	42,953,810	169,182,361
	Alameda.....	2,184,510	1,894,680	4,079,190
	Alameda.....	270,663	186,065	456,728
	Alameda.....	888,745	208,140	1,096,885
	Alameda.....	1,216,744	539,930	1,756,674
	Alameda.....	6,129,480	2,989,739	9,119,219
	Alameda.....	690,067	609,699	1,299,767
	Alameda.....	21,849	71,693	93,542
Alameda.....	Alameda.....	22,780	173,999	196,779
	Alameda.....	41,360	158,153	199,513
	Alameda.....	871,894	1,091,216	1,963,110
	Alameda.....	1,047,917	1,290,224	2,338,141
	Alameda.....	168,168	292,540	460,708
	Alameda.....	56,464	123,044	179,508
	Alameda.....	75,187	177,240	252,427
	Alameda.....	7,565	53,175	60,740
	Alameda.....	150,317	242,675	392,992
	Alameda.....	57,940	139,580	197,520
Alameda.....	Alameda.....	179,791	153,365	333,156
	Alameda.....	337,425	490,275	827,700
	Alameda.....	571,049	910,725	1,481,775
	Alameda.....			
	Alameda.....			
	Alameda.....			
	Alameda.....			
	Alameda.....			
	Alameda.....			
	Alameda.....			
Totals.....		\$164,504,775	\$71,375,580	\$235,880,355
Totals.....				\$508,540

SCHEDULE C.

Showing the total value of real estate, and total value of personal property, and total value of both, per Assessors' reports, for eighteen hundred and seventy-four.

COUNTIES.	Total value of real estate.	Total value of personal property.	Total value of all property.
Alameda	229,908,270	28,186,523	258,094,793
Albany	248,940	638,773	887,713
Alameda	1,724,140	888,415	2,612,555
Alameda	6,589,452	2,636,546	9,225,998
Alameda	839,823	326,508	1,166,331
Alameda	6,827,711	2,332,186	9,159,897
Alameda	5,668,588	2,024,370	7,692,958
Alameda	383,495	314,070	697,565
Alameda	1,381,165	1,106,457	2,487,622
Alameda	4,999,239	2,157,391	7,156,630
Alameda	2,477,259	1,024,788	3,502,047
Alameda	2,777,108	1,794,109	4,571,217
Alameda	2,024,012	1,804,711	3,828,723
Alameda	226,894	278,565	505,459
Alameda	1,348,425	573,885	1,922,310
Alameda	459,601	706,673	1,166,274
Alameda	8,004,098	4,316,424	12,320,522
Alameda	5,899,478	1,504,478	7,403,956
Alameda	883,579	595,222	1,378,801
Alameda	2,973,600	2,448,407	5,422,007
Alameda	4,987,127	1,948,746	6,935,873
Alameda	191,250	982,588	1,173,838
Alameda	7,735,432	1,836,183	9,571,615
Alameda	6,586,525	2,048,670	8,635,195
Alameda	5,781,715	2,884,525	8,666,240
Alameda	4,200,305	2,581,675	6,781,980
Alameda	900,289	577,752	1,477,991
Alameda	18,073,041	16,636,949	34,710,000
Alameda	8,506,880	8,050,637	16,557,517
Alameda	1,088,225	580,966	1,669,191
Alameda	2,189,183	874,166	3,063,349
Alameda	162,511,110	106,861,536	269,372,646
Alameda	14,604,868	5,882,546	20,487,414
Alameda	3,037,716	1,418,162	4,455,878
Alameda	7,742,455	894,150	8,636,605
Alameda	4,220,802	1,798,308	6,019,110
Alameda	24,010,651	7,118,817	31,129,468
Alameda	6,284,856	2,080,344	8,365,200
Alameda	896,513	980,323	1,876,836
Alameda	1,423,129	772,188	2,195,317
Alameda	1,383,921	1,682,371	3,066,292
Alameda	8,277,791	2,181,018	10,458,809
Alameda	12,515,581	4,185,244	16,700,825
Alameda	5,501,802	1,850,614	7,352,416
Alameda	3,446,867	1,207,841	4,654,708
Alameda	2,198,929	1,856,987	4,055,916
Alameda	446,290	557,379	1,003,669
Alameda	2,200,239	2,085,922	4,286,161
Alameda	811,565	611,670	1,423,235
Alameda	1,792,522	1,086,620	2,879,142
Alameda	3,522,827	2,502,182	6,025,009
Alameda	8,402,840	1,923,340	10,326,180
Totals	\$404,919,987	\$207,878,689	\$612,798,676

SCHEDULE C-2.

having the total value of real estate, and total value of personal property, and total value of both, per Assessors' reports, for eighteen hundred and seventy five.

COUNTIES.	Total value of real estate.	Total value of personal property.	Total value of all property.
Alameda Township.....	\$1,838,550	\$180,975	\$2,019,525
Brooklyn Township.....	4,058,595	628,280	4,686,875
Eden Township.....	2,089,890	628,710	2,718,600
Murray Township.....	2,089,000	998,025	3,087,025
Oakland Township.....	22,256,315	4,785,366	27,041,680
Washington Township.....	2,898,059	528,703	3,426,761
Yuba.....	208,982	290,072	499,054
Yuba.....	1,744,758	818,418	2,563,176
Yuba.....	7,273,455	2,795,881	10,069,336
Yuba.....	900,797	812,511	1,713,308
Yuba.....	7,804,139	2,894,894	10,699,033
Yuba.....	5,498,451	1,848,536	7,346,987
Yuba.....	385,905	298,660	684,565
Yuba.....	1,238,704	1,110,969	2,404,638
Yuba.....	4,874,797	2,584,278	7,459,075
Yuba.....	2,742,998	2,115,315	4,857,708
Yuba.....	772,850	756,660	1,529,510
Yuba.....	2,449,464	2,580,388	5,029,852
Yuba.....	1,488,543	644,794	2,133,337
Yuba.....	482,497	684,798	1,167,295
Yuba.....	10,390,896	4,762,081	15,152,977
Yuba.....	6,087,147	1,589,100	7,676,247
Yuba.....	8,848,766	573,080	9,421,846
Yuba.....	8,885,898	2,828,508	11,714,406
Yuba.....	5,001,536	1,824,168	6,825,704

\$48,547,948

Alameda	508,987	672,155	1,182,122
Alameda	181,187	425,035	606,222
Alameda	7,954,105	2,700,731	10,654,836
Alameda	6,526,580	2,690,680	9,217,260
Alameda	6,248,207	2,575,047	8,823,254
Alameda	1,489,947	787,871	2,277,818
Alameda	2,206,627	1,511,191	3,717,818
Alameda	576,692	377,250	953,942
Alameda	1,258,673	600,688	1,859,361
Alameda	14,166,165	8,400,220	22,566,385
Alameda	3,658,545	1,115,458	4,774,003
Alameda	1,387,488	828,297	2,215,785
Alameda	1,987,056	1,098,772	3,085,828
Alameda	170,633,648	148,657,785	319,291,433
Alameda	14,796,655	5,906,884	20,703,539
Alameda	3,634,938	1,887,837	5,522,775
Alameda	5,454,835	821,165	6,276,000
Alameda	4,678,711	1,950,249	6,628,960
Alameda	24,201,977	7,778,790	31,980,767
Alameda	5,414,584	2,052,762	7,467,346
Alameda	916,000	984,822	1,890,822
Alameda	1,580,566	669,526	2,250,092
Alameda	1,358,015	1,692,965	3,050,980
Alameda	7,784,595	1,969,680	9,754,275
Alameda	11,139,444	4,168,865	15,308,309
Alameda	3,331,748	1,978,001	5,309,749
Alameda	2,815,900	1,160,372	3,976,272
Alameda	428,948	1,429,488	1,858,436
Alameda	8,096,161	816,166	8,912,327
Alameda	600,765	2,065,681	2,666,446
Alameda	2,209,888	578,066	2,787,954
Alameda	6,000,942	2,827,155	8,828,097
Alameda	3,354,540	1,671,180	5,025,720
Totals.....	\$424,637,890	\$254,099,098	\$678,736,988

.....\$6,898,078

SCHEDULE D.

Showing the kinds of personal property and the assessed value of each kind, in the several counties, in the year eighteen hundred and seventy-five.

COUNTIES.	State, County, or Municipal bonds.	Money on hand or deposit.	Solvent debts, secured.	Notes, judgments, warrants, etc.	Steamers—vessels.
Alameda	\$ 250	\$184,404	\$2,679,937	\$185,675	\$10,300
Albany	3,362	4,092	37,959	78,310	.....
Alameda.....	.....	25,830	87,540	384,085	.....
Alameda	54,550	116,685	272,260	71,092	.....
Alameda	12,135	17,784	78,782	418,733	520
Alameda.....	.....	141,335	530,843	55,334	2,350
Alameda.....	.....	79,391	664,520	38,500	5,045
Alameda.....	.....	17,290	26,700	182,067	.....
Alameda	5,665	97,768	59,216	81,111	2,050
Alameda	9,659	29,364	87,845	205,276	86,265
Alameda.....	.....	68,608	378,569	68,667	5,270
Alameda.....	.....	9,790	38,928	70,279	.....
Alameda.....	.....	27,312	16,677	25,067	1,275
Alameda	14,733	25,219	8,025	74,440	1,175
Alameda	3,337	23,929	44,804	.....	.....
Alameda.....	.....	6,230	78,400	.....	.....
Alameda.....	.....	86,250	1,059,611	919,341	18,720
Alameda.....	.....	48,840	280,561	102,424	2,865
Alameda	24,375	8,225	38,411	.....	.....
Alameda	11,272	68,943	402,601	363,993	13,520
Alameda.....	.....	14,500	192,232	157,800	.....
Alameda.....	.....	.....	.....	.....	.....
Alameda.....	.....	7,966	21,843	22,631	75
Alameda	1,023	67,178	179,834	37,523	.....
Alameda	4,800	58,304	710,920	96,835	.....

Nevada.....	.....	120,880	521,240	797,441	.....
Placer	91,262	426,044	400,587	239,449	12,800
Plumas	5,000	29,225	38,139	59,850	.....
Sacramento	39,420	466,017	4,390,740	883,510	31,160
San Benito	25,878	679	.....	192,600	.....
San Bernardino.....	.....	10,674	70,214	46,923	.....
San Diego	37,397	39,395	109,252	12,006	4,200
San Francisco	107,065	9,661,153	61,448,129	648,290	4,988,850
San Joaquin	4,450	312,866	1,331,972	1,017,474	29,103
San Luis Obispo	5,000	26,133	219,697	34,804	.....
San Mateo.....	.....	10,250	25,805	47,880	200
Santa Barbara	46,059	115,501	431,214	60,007	.....
Santa Clara	24,500	128,374	2,286,352	542,833	.....
Santa Cruz	9,700	39,465	538,046	309,123	.....
Shasta.....	.....	72,409	42,194	124,288	2,750
Sierra.....	.....	62,416	262,650	.....	.....
Siskiyou.....	.....	55,655	360,400	75,500	.....
Solano	1,180	187,388	416,017	177,096	27,125
Sonoma.....	.....	58,051	1,092,178	641,848	1,130
Stanislaus.....	.....	29,353	397,177	152,833	7,675
Sutter	1,600	.....	179,343	148,059	1,100
Tehama.....	.....	.....	773,363	121,478	.....
Trinity	9,174	25,745	117,250	121,896	.....
Tulare.....	.....	86,347	145,964	208,976	.....
Tuolumne.....	.....	18,456	120,350	.....	.....
Ventura	100	238,591	211,512	33,646	.....
Yolo.....	.....	66,975	577,234	361,406	1,605
Totals	\$618,856	\$13,508,597	\$85,020,537	\$9,864,378	\$5,212,648

SCHEDULE D—Continued.

COUNTIES.	Goods, wares, and merchandise.	WAGONS.		Harness, robes, etc.	Libraries.	Farming utensils.
		Number.	Value.			
Alameda.....	\$402,075	2,456	\$246,195	\$20,554	\$19,700	\$90,700
Alpine.....	12,100	94	8,130	2,068	1,075	1,600
Amador.....	164,460	886	55,710	1,780	1,640	6,110
Butte.....	418,560	1,710	106,240	16,760	6,850	32,175
Butte.....	160,240	884	44,385	9,360	1,435	2,940
Calaveras.....	163,342	1,840	117,750	86,912	4,830	80,501
Colusa.....	142,830	.....	76,920	5,240	2,600	86,790
Colusa.....	140,865	161	6,605	4,955	890	1,425
Colusa.....	168,274	728	42,052	6,847	2,491	6,002
Colusa.....	98,320	.....	69,667	17,181	2,460	14,981
Colusa.....	219,694	848	55,125	18,068	4,845	10,840
Colusa.....	173,246	886	39,085	17,397	3,146	11,632
Colusa.....	87,688	.....	47,035	16,400	2,865	7,283
Colusa.....	42,370	28	1,320	800	185	815
Colusa.....	41,575	645	42,885	9,871	1,165	5,502
Colusa.....	88,769	442	31,945	8,071	.....	12,002
Colusa.....	460,800	2,376	121,256	34,960	10,365	21,912
Colusa.....	88,535	957	73,565	7,110	4,955	7,197
Colusa.....	75,815	889	28,010	6,865	1,200	4,155
Colusa.....	154,572	1,901	77,196	16,612	8,565	31,846
Colusa.....	122,070	950	72,950	22,364	8,485	39,146
Colusa.....	15,925	169	14,425	5,245	235	3,325
Colusa.....	197,534	1,027	62,665	2,150	1,800	25,500
Colusa.....	182,625	1,257	92,415	19,845	3,960	21,260
Colusa.....	531,134	1,991	86,795	7,320	8,640	3,640
Colusa.....	229,492	1,074	70,050	14,110	5,605	8,000
Colusa.....	72,660	429	24,807	4,870	1,446	9,145
Colusa.....	146,660	3,140	217,000	39,796	29,845	51,105
Colusa.....	101,545	144	54,127	11,765	1,262	13,512
Colusa.....	86,390	681	42,864	9,817	1,465	4,487
Colusa.....	98,875	641	45,880	7,689	3,680	4,524
Colusa.....	18,953,123	4,882	533,924	28,770	161,120	.....
Colusa.....	576,205	3,885	124,665	42,658	20,352	65,988
Colusa.....	108,925	770	46,103	11,894	8,240	7,218
Colusa.....	74,000	1,322	79,560	19,860	8,240	17,180
Colusa.....	144,040	676	54,694	11,894	4,300	17,785
Colusa.....	966,526	3,628	286,870	55,765	82,675	39,465
Colusa.....	255,400	1,345	84,771	11,381	4,825	10,260
Colusa.....	130,760	660	50,211	10,708	988	9,583
Colusa.....	175,428	235	24,920	3,000	2,600	13,091
Colusa.....	127,570	675	50,625	6,000	1,000	40,000
Colusa.....	278,340	2,033	111,687	23,397	4,670	27,623
Colusa.....	465,216	3,241	217,297	39,457	8,752	34,734
Colusa.....	156,825	1,477	108,910	26,145	2,230	80,445
Colusa.....	32,260	1,268	80,450	10,784	1,695	24,956
Colusa.....	246,944	1,077	74,611	3,045	.....	68,111
Colusa.....	78,748	160	11,865	12,648	380	1,385
Colusa.....	129,650	1,505	135,530	5,760	5,760	8,768
Colusa.....	137,010	690	27,870	9,871	860	2,925
Colusa.....	74,688	556	36,696	9,871	1,907	8,756
Colusa.....	174,455	1,774	113,265	9,139	2,010	35,302
Colusa.....	395,090	1,080	100,150	3,225	7,875	30,050
Totals.....	\$29,988,017	58,906	\$4,503,819	\$736,522	\$407,662	\$1,040,542

SCHEDULE D—Continued.

COUNTIES.	HORSES—THOROUGHBRED.		HORSES—AMERICAN.		HORSES—SPANISH AND HALF-BREED.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda.....	35	\$9,325	2,805	\$199,760	4,833	\$109,960
Alpine.....			85	8,500	200	10,170
Amador.....			1,194	76,400	1,322	86,140
Butte.....	5	1,000	5,413	216,620		60,105
Calaveras.....	11	3,090	290	20,555	2,001	141,636
Colusa.....			2,121	144,265	3,896	98,940
Contra Costa.....	3	700	1,800	118,420	3,896	98,940
Del Norte.....			178	12,045	853	10,095
El Dorado.....			1,940	79,367	2,841	2,841
Fresno.....			418	88,069	5,021	118,573
Humboldt.....	2	650	1,101	60,395	3,590	69,505
Inyo.....	9	2,000	232	17,295	3,833	74,786
Kern.....	2	1,800	121	10,235	4,593	83,734
Klamath.....	12	900	14	490	320	7,105
Lake.....			546	86,801	1,386	41,062
Lassen.....			1,120	85,120	1,025	45,100
Los Angeles.....	16	3,200	920	70,690	7,031	198,338
Marin.....	4	2,000	398	40,370	1,105	61,177
Mariposa.....	1	200	111	7,395	1,555	48,740
Mendocino.....	8	3,000	1,061	73,890	3,890	91,383
Merced.....	8	2,350	628	48,860	3,308	88,739
Modoc.....			140	10,600	1,271	35,570
Mono.....	8	1,775	1,538	92,280	6,986	187,345
Monterey.....	80	7,500	1,318	91,730	2,519	88,940
Napa.....	5	4,000	841	79,465	1,121	42,125
Nevada.....			1,686	99,404	353	21,148
Niagara.....	5	1,500	900	41,860	468	11,745
Placer.....	6	1,700	2,927	231,584	6,792	130,967
Plumas.....	13	5,650	1,055	75,480	2,441	61,114
Sacramento.....	13	3,675				
San Benito.....						

San Bernardino.....	5	1,900	351	20,155	3,016	50,118
San Diego.....	10	1,250	165	11,230	4,352	52,263
San Francisco.....			6,080	719,260		
San Joaquin.....	66	14,605	3,889	247,215	6,231	207,231
San Luis Obispo.....	9	1,250	436	21,592	8,577	66,086
San Mateo.....	6	3,000	3,463	167,570		
Santa Barbara.....	7	1,150	442	29,390		
Santa Clara.....	43	20,574	4,236	820,238	1,713	41,295
Santa Cruz.....			626	49,870	2,391	77,370
Shasta.....			398	29,590	2,253	202,024
Sierra.....					790	79,053
Siskiyou.....			1,841	87,165		
Solano.....	9	2,250	833	68,215	6,108	136,690
Sonoma.....	25	11,070	2,856	148,455	4,566	152,335
Stanislaus.....	18	4,375	869	72,150	5,733	133,760
Sutter.....	21	3,495	1,579	118,045	5,799	130,809
Tehama.....			2,932	92,388	2,268	71,220
Trinity.....	1	150	65	6,300	2,022	61,500
Tulare.....	10	1,800	690	27,810	874	22,355
Tuolumne.....					9,167	241,310
Ventura.....	3	1,303	391	30,498	1,543	39,025
Yolo.....	9	3,200	2,203	161,700	2,699	38,390
Yuba.....			2,032	116,140	3,514	117,700
Totals.....	488	\$127,426	67,837	\$4,623,052	149,735	\$4,190,354

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SCHEDULE D—Continued.

COUNTIES.	COWS—MIXED AND SPANISH.		CALVES.		STOCK CATTLE.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda	408	\$7,171	1,964	\$8,268	2,868	\$39,686
Alpine	268	2,314	268	2,314	268	7,552
Amador	1,819	11,610	1,819	11,610	8,150	88,400
Butte	3,626	31,400	3,626	19,966	8,718	104,616
Calaveras	549	9,758	2,447	14,968	2,270	27,666
Colusa	657	7,664	657	7,664	6,166	86,753
Colusa	107	1,494	4,620	27,230	7,840	109,873
Contra Costa	552	10,480	693	8,520	1,982	14,066
Del Norte	2,807	40,043	1,024	6,671	3,808	52,153
El Dorado	350	6,559	1,204	6,424	37,513	875,337
Fresno	692	17,698	7,425	33,524	15,267	140,677
Humboldt	2,887	63,602	1,294	5,811	9,297	123,325
Inyo	1,822	86,625	845	2,427	41,552	490,583
Kern	2,887	63,602	775	2,126	2,577	27,120
Klamath	1,950	1,950	602	4,859	3,679	46,973
Lake	280	6,811	4,421	44,210	11,157	223,160
Lassen	17	208	1,950	9,745	9,813	98,200
Los Angeles	2,076	36,460	8,282	17,280	5,081	62,238
Mariposa	1,000	20,000	1,450	7,250	4,262	41,062
Mendocino	2,076	36,460	2,591	6,786	10,530	110,534
Merced	2,076	36,460	2,154	12,114	8,760	84,585
Modoc	2,019	21,513	1,689	7,945	5,661	86,558
Monterey	1,000	20,000	3,650	10,950	18,348	183,480
Napa	723	18,910	2,045	11,720	5,129	63,155
Nevada	280	6,811	1,298	7,215	2,848	33,892
Placer	17	208	1,271	9,741	1,883	19,085
Pumas	696	14,750	2,189	9,741	8,131	87,053
Sacramento	51,001	\$918,018	5,658	\$645,602	7,488	\$95,953
San Benito	162	2,720	2,532	13,841	8,938	105,319
San Bernardino	275	2,930	462	2,065	6,929	47,764
San Diego	5,079	46,607	2,233	6,540	10,669	68,915
San Francisco	611	11,806	21	290	12,441	157,215
San Joaquin	2,865	46,023	4,273	28,713	16,765	116,543
San Luis Obispo	79	680	9,609	20,284	8,685	40,310
San Mateo	1,448	23,844	8,840	9,420	10,963	103,002
Santa Clara	3,274	71,270	5,102	41,632	13,478	132,591
Santa Cruz	28	257	1,866	7,311	2,422	27,683
Shasta	1,050	23,743	1,940	13,172	5,984	86,769
Sierra	1,000	35,000	5,310	31,860	2,660	33,960
Stanislaus	283	4,150	1,348	8,792	13,785	137,350
Sutter	6,121	88,498	5,690	39,662	8,719	89,018
Tehama	1,244	18,066	1,359	7,790	6,604	89,686
Trinity	190	4,630	238	1,681	3,962	56,573
Tulare	8,125	46,375	4,557	13,671	5,944	94,166
Tuolumne	2,409	60,225	785	3,282	16,729	45,719
Ventura	781	15,689	1,692	11,440	4,202	50,918
Yuba	180	3,603	1,857	14,620	3,854	38,340
Totals	912	17,870	1,692	11,440	4,382	55,085
Totals	51,001	\$918,018	118,305	\$645,602	417,469	\$4,586,943

SCHEDULE D—Continued.

COUNTIES.	BEEF CATTLE.		GOATS.		SHEEP—FINE.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda.....	303	\$5,837	121	\$262	550	\$8,000
Alpine.....						
Amador.....			2,586	4,470		
Butte.....			199	894	67,865	138,750
Calaveras.....	675	10,788	7,908	11,545	279	5,795
Colusa.....	235	8,595	100	140	5,155	22,965
Contra Costa.....	445	8,770	1,122	1,510	3,230	9,720
Del Norte.....	42	845				
El Dorado.....			6,713	15,884		
Fresno.....	3,587	51,810	6,487	10,006	1,436	12,200
Humboldt.....	2,472	33,005	50	86	213	9,245
Yuba.....	120	2,949	173	346	7	11
Plumas.....	2,985	59,890	801	1,712	307	8,180
Klamath.....	207	3,815	40	40		
Kern.....					879	2,032
Los Angeles.....	550	8,525	23	132	859	3,493
Mariposa.....	430	6,372	1,975	3,360	171,545	451,030
Merced.....	669	11,860	3,983	6,525		
Mendocino.....	703	12,320	263	523	1,011	5,560
Madera.....	1,425	25,547	242	465	3,865	21,443
Monterey.....	918	17,320	716	1,965		
San Francisco.....	1,648	29,566	2,000	10,000	1,680	18,300
Santa Clara.....	220	3,300	120	360	85	1,700
Santa Cruz.....	83	1,855	1,200	2,775		
Shasta.....	213	4,108	5,563	9,549	762	4,140
Sierra.....	187	2,915	484	926	3	15
Siskiyou.....	816	5,115	1,347	3,510	3,909	98,855
San Benito.....	374	5,892	737	6,638	240	12,460
San Bernardino.....	156	1,350	384	476	330	350

San Diego.....	480	5,146	1,208	1,273	43,356	91,070
San Francisco.....					600	1,750
Santa Clara.....	101	1,710	482	782	1,127	22,475
San Luis Obispo.....	3,062	48,080	1,196	1,399	463	5,273
San Mateo.....	108	2,040				
Santa Barbara.....	502	5,870	173	189	375	2,000
Santa Clara.....	463	8,883	1,637	8,667	2,828	4,485
Santa Cruz.....	47	755	693	3,754	17	340
Sierra.....	415	10,560	1,141	8,768	62	550
Siskiyou.....						
Soldado.....	2,113	31,695	145	725	30	350
San Jose.....	351	7,145	165	361	1,904	12,145
San Luis Obispo.....	1,032	15,813	423	896	1,395	5,420
San Mateo.....	118	1,583	770	1,823	2,476	13,184
Santa Clara.....	50	1,663	16	32	22	440
Santa Cruz.....						
Sierra.....						
Siskiyou.....						
Soldado.....	77	1,430	565	1,605		
San Jose.....	2,161	19,449	1,370	1,905	1,640	11,460
San Luis Obispo.....			2,705	2,703		
San Mateo.....	175	4,084	75	1,122	50	1,630
Santa Clara.....	39	785	719	1,634	38	430
Santa Cruz.....	110	2,630	1,044	2,250		
Totals.....	30,308	\$486,730	59,676	\$123,116	310,825	\$911,652

SCHEDULE D—Continued.

COUNTIES.	SHEEP, COMMON.		LAMBS.		JACKS AND JENNIES.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda.....	35,982	\$94,298	6,865	\$7,690	2	\$225
Alpine.....	105	1,613	375	187	.....	.....
Amador.....	15,170	35,820	980	980	8	40
Butte.....	.....	.....	8,570	4,285	40	840
Calaveras.....	.....	.....	13,948	10,124	26	230
Colusa.....	39,875	78,750	.....	.....	32	2,211
Contra Costa.....	180,214	502,023	9,021	9,021	8	1,290
Del Norte.....	9,875	23,120	178	115	2	60
El Dorado.....	842	1,640	.....	.....	.....	.....
Francisco.....	13,152	83,129	201,477	101,601	27	1,680
Glenn.....	461,591	1,009,057	.....	.....	10	760
Humboldt.....	72,935	177,251	217	231	58	1,113
Kearney.....	8,327	7,498	95,208	47,608	68	718
Klamath.....	225,496	529,405	.....	.....	1	50
Lake.....	647	1,106	.....	.....	8	160
Lassen.....	20,018	51,001	.....	.....	4	828
Los Angeles.....	16,472	32,944	10,015	10,015	24	603
Mariposa.....	302,418	604,848	117	117	.....	.....
Matine.....	1,865	3,408	22,989	11,494	69	1,135
Merced.....	51,048	127,620	25,820	25,846	14	578
Mendocino.....	92,645	206,651	97,709	97,709	10	505
Mono.....	229,538	564,641	.....	.....	.....	.....
Monterey.....	1,870	4,667	63	110	13	425
Napa.....	121,320	272,970	84,209	25,657	.....	.....
Nevada.....	23,837	56,376	6,860	5,715	8	1,400
Nye.....	2,122	4,670	10	10	6	75
Placer.....	89,216	88,675	10,999	5,504	16	520
Palm Springs.....	3,699	7,762	130	130	7	103
Piedmont.....	102,544	274,645	30,349	32,777	5	90
San Benito.....	71,609	176,841	38,075	30,819	5	715
San Bernardino.....	59,286	74,989	.....	.....	4	220
San Diego.....	43,261	67,176	28,841	12,420	79	595
San Francisco.....	98,105	262,676	40,993	39,709	14	1,386
San Joaquin.....	178,618	353,247	77,142	39,694	16	145
San Luis Obispo.....	244,406	489,812	12	10	.....	.....
Santa Barbara.....	40,985	104,923	72,566	36,283	8	40
Santa Clara.....	1,681	3,091	5,967	7,040	27	3,594
Santa Cruz.....	47,333	118,325	42	38	8	80
Shasta.....	1,049	3,000	13,917	6,962	8	125
Sierra.....	20,520	51,300	.....	.....	.....	.....
Sierraville.....	49,855	100,174	5,522	5,586	26	1,040
Solano.....	60,754	116,720	19,811	11,618	8	625
Sonoma.....	132,712	322,822	60,877	36,628	11	525
Stanislaus.....	30,503	75,068	.....	.....	14	1,920
Sutter.....	94,666	186,332	48,966	24,483	1	200
Tahama.....	14,266	35,708	4,204	2,102	7	565
Tulare.....	296,666	667,498	.....	.....	56	605
Tuolumne.....	10,010	20,020	1,016	1,600	56	985
Ventura.....	148,698	360,214	42,147	21,090	.....	.....
Yolo.....	53,688	112,745	7,305	13,910	9	860
Yuba.....	27,269	70,100	9	150
Totals.....	3,764,324	\$8,562,361	1,088,985	\$685,013	827	\$29,054

SCHEDULE D—Continued.

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COUNTIES.	MULES.		OXEN.		HORSES.	
	No.	Value.	No.	Value.	No.	Value.
Alameda.....	898	\$23,995	17	\$1,175	2,734	\$9,783
Alpine.....	16	855	54	4,125	119	784
Amador.....	225	13,040	117	5,810	8,010	6,370
Butte.....	732	33,792	204	10,200	12,978	32,445
Calaveras.....	171	6,710	150	6,375	3,064	7,777
Colusa.....	1,369	78,841	.....	.....	14,529	41,206
Contra Costa.....	581	29,270	2	50	5,081	16,860
Del Norte.....	114	4,825	72	2,530	844	1,985
El Dorado.....	124	5,769	221	8,015	1,858	4,840
Fresno.....	508	27,984	190	7,465	13,928	33,616
Humboldt.....	866	29,525	441	25,500	7,506	18,068
Inyo.....	680	40,285	191	10,690	1,435	5,490
Kern.....	419	19,086	152	6,671	3,439	10,709
Klamath.....	478	18,585	78	3,420	794	8,377
Lake.....	218	11,624	65	2,065	4,085	14,573
Lassen.....	133	6,517	95	5,320	596	2,394
Los Angeles.....	906	40,317	166	4,573	5,900	16,520
Marin.....	101	6,075	132	6,025	6,011	23,467
Mariposa.....	295	10,280	77	2,585	3,365	11,260
Mendocino.....	585	21,023	317	14,567	11,041	25,902
Merced.....	852	54,470	6	220	4,962	12,546
Modoc.....	.....	.....	.....	.....	.....	.....
Mono.....	187	11,761	132	6,580	174	932
Monterey.....	178	8,900	.....	.....	4,620	13,860
Napa.....	533	36,980	32	1,600	6,428	16,070
Nevada.....	126	7,368	200	11,900	1,675	6,942
Placer.....	276	14,025	375	17,590	8,780	11,490
Plumas.....	118	3,110	211	8,725	488	2,568
Sacramento.....	323	14,450	297	10,865	7,086	22,211
San Benito.....	211	9,915	2	80	3,162	8,048
San Bernardino.....	319	12,800	121	3,025	1,344	1,723
Tulare.....	.....	.....	.....	.....	.....	.....
Yuba.....	.....	.....	.....	.....	.....	.....
Totals.....	22,008	\$1,094,522	5,951	\$255,295	253,122	\$713,124

San Diego.....	598	10,117	163	4,325	1,240	8,022
San Francisco.....	10	1,275	.....	.....	3,704	19,285
San Joaquin.....	896	49,952	16	595	8,217	26,181
San Luis Obispo.....	354	9,418	40	1,110	5,111	11,351
San Mateo.....	364	18,320	173	6,040	2,080	7,395
Santa Barbara.....	315*	7,338	41	1,020	1,268	3,707
Santa Clara.....	496	28,981	46	1,782	7,846	36,248
Santa Cruz.....	148	9,455	453	14,480	1,500	4,857
Shasta.....	197	7,337	166	5,435	6,891	19,823
Sierra.....	105	7,350	80	6,000	600	3,000
Siakiyou.....	473	16,250	104	8,120	2,170	8,680
Solano.....	892	47,781	4	160	8,137	19,206
Sonoma.....	726	36,421	137	4,747	12,265	34,618
Stanislaus.....	1,423	80,195	16	400	5,959	12,536
Sutter.....	545	34,965	99	4,900	9,495	20,039
Tehama.....	122	7,444	.....	.....	5,033	15,400
Trinity.....	259	9,900	91	4,540	5,564	2,350
Tulare.....	412	22,680	60	2,100	12,280	24,560
Tuolumne.....	157	6,260	58	2,040	588	4,750
Ventura.....	158	6,162	11	220	5,723	17,169
Yolo.....	1,012	57,210	7	215	12,829	32,246
Yuba.....	325	18,690	94	4,420	3,446	9,205
Totals.....	22,008	\$1,094,522	5,951	\$255,295	253,122	\$713,124

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SCHEDULE D—Continued.

COUNTIES.	BUTTER.		CHEESE.		BEEHIVES.	
	Pounds.	Value.	Pounds.	Value.	Number.	Value.
Alameda	166,000	\$42,800			181	\$369
Alpine	400	200			28	128
Amador					691	691
Butte					407	558
Calaveras					238	807
Colusa	1,210	2,240				
Contra Costa	10,800	1,940	2,450	\$320		
Del Norte	1,310	403			41	80
El Dorado			600	60	116	220
Fresno					125	175
Humboldt					154	1,227
Layo					96	440
Kern					87	68
Klamath					173	848
Lake					96	3,840
Lassen			1,600	160	4,502	9,920
Los Angeles		30				
Mariposa	8,735	731				
Merced	1,180	292			389	682
Modoc						
Monro	550	170			20	100
Monterey	24,000	3,600	10,000	1,000	547	547
Napa					210	420
Nevada					445	1,000
Placer	900	110			290	659
Plumas	1,840	355			116	570
Sacramento	500	50	400	40	702	1,507
San Benito					36	70

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San Bernardino					1,589	1,475
San Diego	30				2,468	11,480
San Francisco						
San Joaquin	16,870	2,916	38,709	3,000	1,364	2,689
San Luis Obispo	3,650	365	22,000	1,645	425	425
San Mateo	2,675	589	89,765	625	117	255
Santa Barbara		1,080		4,972	166	312
Santa Clara	125	25		1,050		4,795
Santa Cruz					258	860
Shasta	62,270	15,567	17,926	2,828	200	600
Shelby					968	2,885
Solano	7,850	1,268			135	315
Sonoma	70	21			61	63
Stanislaus					498	1,045
Sutter						
Tahama						
Tulare					66	380
Trinity					768	1,528
Tuolumne					242	242
Ventura	800	160			669	1,338
Yuba					157	217
Totals	306,265	\$74,380	128,450	\$15,600	19,516	\$53,478

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SCHEDULE D—Continued.

COUNTIES.	GRAIN.		HAY.		WOOL.	
	Tons.	Value.	Tons.	Value.	Pounds.	Value.
Alameda.....	1,030	\$41,721	200	\$6,084	.....	.....
Alpine.....	9	540	69	1,745	.....	.....
Amador.....	81	3,150	80	410	2,000	\$900
Butte.....	897	17,940	.....	.....	2,765	442
Calaveras.....	50	1,510	84	521	.....	.....
Colusa.....	857	22,490	400	1,841	81,825	4,585
Contra Costa.....	8,070	82,120	780	7,020	1,890	3,780
Del Norte.....	78	1,545	36	360	600	40
El Dorado.....	.....	.....	13	425	4,000	870
Fresno.....	311	6,000	283	3,250	.....	.....
Humboldt.....	188	9,539	129	2,116	800	155
Inyo.....	28	1,369	270	2,424	.....	.....
Kern.....	5	200	48	580	.....	.....
Klamath.....	335	8,490	52	750	.....	.....
Lake.....	.....	.....	60	1,800	.....	.....
Lassen.....	719	7,195	1,141	5,100	.....	.....
Los Angeles.....	414	10,450	73	730	.....	.....
Marin.....	.....	.....	60	1,215	.....	.....
Mariposa.....	204	5,100	259	2,902	5,285	1,057
Mendocino.....	724	14,980	329	8,325	.....	.....
Merced.....	.....	.....	.....	.....	.....	.....
Modoc.....	7	550	6	850	.....	.....
Monterey.....	.....	22,550	.....	2,500	.....	.....
Napa.....	49	3,350	340	3,400	.....	.....
Nevada.....	15	1,945	55	1,600	.....	.....
Placer.....	68	450	77	1,235	.....	.....
Plumas.....	585	2,565	11	170	400	160
Sacramento.....	212	13,074	92	1,480	5,320	740
San Benito.....	.....	6,800	413	2,315	20,000	3,000
San Bernardino.....	.....	.....	56	280	6,500	600
San Diego.....	1,726	52,160	1,234	7,277	.....	.....
San Francisco.....	37	781	163	579	12,720	2,246
San Joaquin.....	203	4,070	213	1,590	.....	600
San Luis Obispo.....	50	750	30	150	.....	.....
San Mateo.....	6,877	200,310	1,784	17,840	4,050	749
Santa Barbara.....	.....	1,920	.....	.....	.....	.....
Santa Clara.....	150	4,500	107	1,660	600	90
Santa Cruz.....	.....	.....	.....	.....	.....	.....
Shasta.....	7,500	150,000	10,050	80,400	.....	723
Sierra.....	237	7,150	53	775	1,500	320
Siskiyou.....	205	4,640	26	290	2,360	190
Solano.....	602	17,190	72	640	.....	.....
Sonoma.....	851	20,167	36	550	6,500	650
Stanislaus.....	.....	.....	.....	.....	.....	.....
Sutter.....	.....	.....	19	515	.....	40
Tehama.....	197	3,530	231	1,155	.....	.....
Trinity.....	1,197	34,767	193	1,158	7,500	1,050
Tulare.....	881	24,980	30	300	.....	.....
Tuolumne.....	.....	.....	.....	.....	.....	.....
Ventura.....	.....	.....	.....	.....	.....	.....
Yolo.....	.....	.....	.....	.....	.....	.....
Yuba.....	.....	.....	.....	.....	.....	.....
Totals.....	\$30,599	\$321,213	\$19,564	\$170,377	116,705	\$22,857

SCHEDULE D—Continued.

COUNTIES.	COAL.		WATCHES.		Jewelry or plate.	Household furniture.
	Tons.	Value.	Number.	Value.		
Alameda.....	50	\$6,200	942	\$42,883	\$6,745	\$486,258
Alpine.....	2	50	46	1,923	75	5,305
Amador.....			46	3,010	430	38,980
Butte.....			618	14,740	4,360	94,735
Calaveras.....			314	8,826	955	24,815
Colusa.....			422	11,595	990	59,611
Contra Costa.....				7,040	1,320	61,620
Del Norte.....			105	3,325	1,395	23,535
El Dorado.....			868	12,452		85,465
Fresno.....			261	10,028	465	31,468
Humboldt.....			324	12,593		76,450
Inyo.....	208	5,984	134	5,245	7,520	15,540
Kern.....			155	6,400	870	19,691
Klamath.....			75	2,241	275	3,354
Lake.....			169	4,717	602	24,645
Lassen.....			187	3,973		9,758
Los Angeles.....			758	22,890	4,907	159,570
Marin.....			131	7,710	4,600	96,810
Mariposa.....			116	4,880	400	23,640
Mendocino.....			512	13,873	5,025	61,980
Merced.....		1,312	270	9,616	1,565	87,530
Modoc.....			61	2,515	260	3,235
Monterey.....			587	10,542	1,687	73,841
Napa.....			570	18,775	1,400	145,935
Nevada.....	773	7,121	549	27,240	3,815	135,680
Placer.....			711	31,862	8,670	82,899
Plumas.....			140	5,650	760	18,790
Sacramento.....	2,253	21,000	1,072	56,495	13,815	542,838
San Benito.....			146	5,411	490	86,850
San Bernardino.....				2,716		27,499

San Diego.....	600	6,100	157	4,872	860	34,679
San Francisco.....			1,496	80,615	66,015	4,757,389
San Joaquin.....			1,268	48,587	5,194	296,472
San Luis Obispo.....		6,880	209	5,587	580	24,691
San Mateo.....			216	8,135	3,605	59,690
Santa Barbara.....			381	14,591	717	60,937
Santa Clara.....	248	2,356		68,278	13,468	418,984
Santa Cruz.....			506	17,295	2,235	91,867
Shasta.....			268	9,853	1,645	22,427
Sierra.....			425	15,000	500	28,000
Slaviyon.....			471	8,500		23,000
Solano.....			998	17,091	1,795	121,555
Sonoma.....			279	26,898	3,900	204,695
Stanislaus.....			250	9,925	475	18,201
Sutter.....			405	8,267	450	30,055
Tehama.....			189	96,112	1,875	11,855
Tulare.....			305	7,446	300	86,750
Tuolumne.....	29	200	179	7,625		30,540
Ventura.....			149	4,670		18,513
Yolo.....			322	10,279	3,578	66,235
Yuba.....			269	10,760	1,665	66,235
Totals.....	4,192	\$37,557	18,471	\$687,327	\$185,603	\$9,086,682

SCHEDULE D—Continued.

COUNTIES.	Fixtures of Saloons, etc.	Musical Instruments.	WINES.		BRANDIES, AND OTHER LIQUORS.	
			Gallons.	Value.	Gallons.	Value.
Alameda.....	\$28,705	\$60,343	.....	\$675	.....	\$14,820
Alpine.....	4,385	550	.....	.....	400	1,210
Amador.....	6,770	5,800	22,200	4,020	900	810
Butte.....	11,840	8,640	18,125	2,625	875	875
Calaveras.....	9,595	8,100	24,587	5,110	3,125	5,149
Colusa.....	20,585	5,794	.....	.....	3,411	7,707
Contra Costa.....	5,810	6,040	7,850	1,973	.....	2,945
Del Norte.....	8,110	3,875	.....	.....	1,440	2,969
El Dorado.....	50,000	7,405	97,210	18,095	4,900	2,522
Fresno.....	4,850	1,600	.....	.....	.....	5,235
Humboldt.....	15,150	14,257	.....	.....	.....	14,853
Inyo.....	4,775	7,720	.....	.....	7,191	4,760
Kern.....	5,648	1,487	.....	.....	1,605	420
Klamath.....	1,290	180	400	400	100	4,822
Lake.....	4,905	3,292	.....	.....	.....	.....
Lassen.....	.....	1,974	1,125	3,378	.....	.....
Los Angeles.....	33,200	19,475	133,900	19,224	14,361	16,065
Marin.....	4,475	10,420	25,000	6,100	.....	2,860
Mariposa.....	1,200	215	990	495	.....	2,475
Mendocino.....	11,894	7,075	.....	.....	5,120	10,044
Merced.....	11,500	4,373	.....	.....	.....	7,190
Modoc.....	.....	.....	.....	.....	.....	.....
Mono.....	2,100	150	.....	.....	.....	1,350
Monterey.....	4,531	3,840	.....	.....	.....	900
Napa.....	1,890	18,415	.....	28,240	.....	.....
Nevada.....	17,790	23,905	.....	.....	.....	12,868
Placer.....	9,929	11,655	32,780	6,762	1,261	4,441
Plumas.....	3,535	3,475	248	392	2,800	11,740
Sacramento.....	52,040	69,580	74,405	15,510	3,944	2,499
San Benito.....	5,900	5,705	3,000	750	833	1,960
San Bernardino.....	1,000	3,390	19,545	2,085	1,400	.....

San Diego.....	8,690	5,732	.....	.....	.....	3,367
San Francisco.....	406,283	616,202	.....	.....	.....	2,660
San Joaquin.....	13,710	40,245	24,385	6,365	.....	2,077
San Luis Obispo.....	4,975	1,124	.....	.....	.....	4,747
San Mateo.....	5,745	9,760	.....	.....	.....	180,432
Santa Barbara.....	2,945	10,410	73,495	830	90,216	7,682
Santa Clara.....	27,620	75,620	.....	11,024	.....	3,618
Santa Cruz.....	9,381	14,865	.....	4,574	.....	8,000
Shasta.....	7,923	2,254	11,698	3,175	1,405	.....
Sierra.....	7,000	2,000	.....	.....	.....	.....
Siskiyou.....	5,000	3,000	.....	.....	.....	.....
Solano.....	15,080	19,575	500	375	.....	8,770
Sonoma.....	79,793	32,960	21,770	4,100	6,285	9,047
Stanislaus.....	15,078	8,474	633,760	92,533	8,444	5,221
Sutter.....	1,345	3,923	5,520	1,535	.....	2,400
Tehama.....	.....	.....	8,100	1,015	1,200	.....
Trinity.....	1,835	2,050	.....	.....	.....	775
Tulare.....	7,423	4,820	460	500	385	600
Tuolumne.....	.....	6,280	1,500	750	800	1,360
Ventura.....	46,004	4,422	7,000	3,940	2,746	4,805
Yolo.....	11,550	8,365	19,700	2,100	200	5,390
Yuba.....	16,775	17,310	24,940	3,665	750	750
Totals.....	\$1,028,907	\$1,190,636	1,282,194	\$255,450	165,097	\$395,749

SCHEDULE D—Continued.

COUNTIES.	POULTRY.		FIREARMS.	LUMBER.	
	Dozen.	Value.		M.	Value.
Alameda	4,733	\$25,177	\$3,083	164	\$41,500
Alpine	64	575	423	164	1,900
Anador	1,625	3,465	2,780	3,465	4,540
Butte	1,957	5,703	4,737	453	27,250
Calaveras	2,062	9,056	2,480	327	4,800
Colusa	200	730	1,625	1,000	6,268
Contra Costa	342	4,624	3,868	1,628	7,960
Del Norte	1,485	5,180	7,800	1,388	15,860
El Dorado	1,166	8,485	5,726	39	2,883
Fresno	472	2,823	8,152	89	60,480
Humboldt	622	1,883	4,995	37	2,665
Imperial	185	689	2,017	75	789
Kern	1,852	4,058	8,411	75	1,555
Klamath	608	1,824	3,907	75	4,049
Lake	2,610	10,441	1,355	1,575	750
Lassen	724	4,346	1,355	755	31,500
Los Angeles	1,923	2,045	2,435	1,875	15,100
Mariposa	1,486	7,692	11,354	236	182,360
Mendocino	1,587	5,744	4,425	236	4,782
Merced	1,587	574	1,250	84	1,280
Modoc	1,587	6,203	4,783	84	10,723
Monterey	1,587	10,685	5,920	45,008	11,200
Napa	1,418	7,645	4,900	1,080	37,210
Nevada	1,542	10,056	3,299	45,008	88,270
Placer	571	2,167	1,442	1,080	8,685
Plumas	4,529	24,092	6,912	180	2,700
Sacramento	1,579	4,747	756	180	2,700
San Benito	585	1,070	872	180	2,700
San Bernardino					
San Diego	459	1,687	2,223		21,310
San Francisco	2,490	15,884			750
San Joaquin	5,967	31,707	11,256		10,794
San Luis Obispo	1,099	3,210	3,201	701	14,750
San Mateo	1,083	5,415	1,480	737	20,529
Santa Barbara	978	2,917	3,946	737	60,758
Santa Clara	6,148	30,740	8,965		41,080
Santa Cruz	1,460	5,841	2,020		11,294
Shasta	520	2,432	6,798	1,883	6,600
Sierra	166	980	1,900	300	30,000
Siskiyou	1,423	5,692	3,000	1,926	32,115
Solano	859	2,980	1,859	3,294	35,472
Sonoma	4,131	22,013	8,103	67	3,490
Stanislaus	1,740	7,109	2,053		1,845
Sutter	2,915	16,667	5,281		1,845
Tehama					1,200
Trinity					7,540
Tulare	1,160	1,183	2,700		19,660
Tuolumne	1,160	3,480	3,840	983	18,147
Ventura	1,110	3,357	1,989	102	16,500
Yolo	2,148	8,521	3,294	1,375	
Yuba	1,550	4,650	1,550		
Totals	74,767	\$356,104	\$179,588	68,057	\$889,588

SCHEDULE D—Continued.

COUNTIES.	Wood.		Machinery— Value.	Railroad roll- ing stock.	Other personal property.	Total value of all personal property.
	Cords.	Value.				
Alameda.....	100	\$1,920	\$212,956	\$490,706	\$104,898	\$6,158,523
Alpine.....	164,383	450,075	82,480	.....	8,443	626,773
Amador.....	6,245	11,630	.....	.....	37,615	890,415
Butte.....	3,860	8,740	68,570	139,898	167,532	2,620,546
Calaveras.....	2,075	2,200	7,987	761	2,882	824,508
Colusa.....	9,029	20,872	58,082	.....	10,455	2,812,136
Contra Costa.....	.....	4,200	85,900	33,190	44,560	2,027,870
Del Norte.....	60	150	14,610	1,000	.....	314,070
El Dorado.....	4,157	6,875	75,520	.....	11,554	1,108,457
Fresno.....	.....	.....	20,196	179,405	3,875	2,515,361
Humboldt.....	1,557	2,786	32,061	.....	13,233	1,921,783
Inyo.....	795	1,640	24,625	1,716	17,900	794,109
Kern.....	85	125	33,890	600	40,572	1,624,711
Klamath.....	.....	.....	10,505	.....	400	273,635
Lake.....	.....	.....	140,780	.....	3,724	575,685
Lassen.....	235	1,527	17,450	87,345	9,710	705,675
Los Angeles.....	8,815	12,062	1,500	.....	13,705	4,319,424
Marin.....	.....	800	193,333	.....	.....	1,508,473
Mariposa.....	1,739	5,168	20,020	1,450	91,750	509,522
Mendocino.....	617	2,360	.....	107,978	50	2,450,407
Merced.....	.....	.....	3,640	.....	21,923	1,940,746
Modoc.....	.....	775	57,392	57,081	.....	362,598
Mono.....	320	1,250	86,235	40,465	615	1,825,183
Monterey.....	600	9,330	89,865	91,980	.....	2,031,970
Napa.....	.....	72,455	45,085	331,279	23,836	2,884,626
Nevada.....	.....	59,773	5,840	.....	7,046	2,581,675
Placer.....	29,876	1,600	.....	177,725	178,248	677,752
Plumas.....	.....	13,090	351,675	.....	.....	10,655,949
Sacramento.....	4,553	.....	45,560	.....	.....	1,050,637
San Benito.....	100	200	.....	.....	.....	.....

San Bernardino.....	.....	.....	17,930	.....	156	580,990
San Diego.....	.....	.....	25,735	2,200	.....	874,165
San Francisco.....	.....	.....	1,190,545	119,433	788,356	105,861,596
San Joaquin.....	.....	.....	128,020	192,368	212,496	5,832,546
San Luis Obispo.....	8,533	20,833	9,060	.....	20,904	1,418,162
San Mateo.....	115	205	24,275	28,650	2,345	894,150
Santa Barbara.....	7,169	9,255	11,125	.....	4,600	1,793,308
Santa Clara.....	956	2,042	147,650	99,644	34,470	7,118,317
Santa Cruz.....	.....	84,761	40,505	2,673	147,873	2,090,344
Shasta.....	.....	8,175	17,692	55,238	8,204	680,323
Sierra.....	24	60	8,050	7,950	.....	772,188
Siskiyou.....	500	1,000	25,000	.....	.....	1,632,371
Solano.....	111	568	41,435	54,333	49,885	2,131,013
Sonoma.....	4,852	6,710	84,736	.....	.....	4,185,244
Stanislaus.....	3,812	10,478	.....	75,950	.....	1,950,614
Sutter.....	3,285	6,859	45,247	56,581	1,860	1,207,341
Tehama.....	.....	.....	1,895	.....	.....	1,856,987
Trinity.....	160	320	60,106	82,777	.....	557,379
Tulare.....	760	2,280	.....	.....	.....	2,095,992
Tuolumne.....	.....	.....	13,196	.....	.....	611,370
Ventura.....	44	308	59,975	38,683	1,185	1,096,620
Yolo.....	2,730	7,190	114,250	56,320	57,025	2,502,132
Yuba.....	750	2,250	.....	.....	.....	1,923,340
Totals.....	267,682	\$799,897	\$3,800,053	\$2,620,009	\$2,093,787	\$207,873,889

SCHEDULE D-2.

Showing the kinds of personal property, and the assessed value of each kind, in the several counties, in the year eighteen hundred and seventy five.

COUNTIES.	State, County, or Municipal Bonds.	Money on hand or deposit.	Solvent debts secured.	Notes, judgments, and warrants.	Steamers and vessels.	Goods, wares, and merchandise.
Alameda	Alameda Township.....	\$8,389	\$22,800	\$40,700	\$1,500	\$7,850
	Brooklyn Township.....	28,000	82,983	60,000		86,900
	Eden Township.....	2,800	125,000	30,000		86,000
	Murray Township.....	8,000	40,000	814,900		60,000
	Oakland Township.....	8,155	3,102,733			110,769
	Washington Township.....	5,650	32,880			26,480
Alpine	Alpine.....	8,905	18,960	16,207		10,200
Amador	Amador.....	25,158	76,299	825,080		142,500
Butte	Butte.....	89,421	427,865			516,746
Calaveras	Calaveras.....	17,722	69,987	41,229		189,275
Colusa	Colusa.....	228,039	879,241	889,539	1,900	250,486
Contra Costa	Contra Costa.....	36,965	610,400	22,100	2,500	129,900
Del Norte	Del Norte.....	41,960	50,700	39,850	4,800	58,900
El Dorado	El Dorado.....	57,090	109,688	141,212		106,900
Fresno	Fresno.....	58,800	58,466	125,470	650	88,235
Humboldt	Humboldt.....	98,968	509,351	221,829	14,860	238,905
Inyo	Inyo.....	28,378	28,161	37,675	4,500	208,389
Kern	Kern.....	55,214	158,468	8,498		110,722
Lake	Lake.....	26,098	120,284	45,232	2,240	64,090
Lassen	Lassen.....	4,525	36,074	50,162		28,680
Los Angeles	Los Angeles.....	138,951	1,686,374	221,240	19,760	471,900
Marin	Marin.....	45,550	254,053	164,575	2,325	98,370
Mariposa	Mariposa.....	19,100	27,315	22,480		92,043
Mendocino	Mendocino.....	182,855	432,841	360,871	7,820	178,063
Merced	Merced.....	31,052	138,965	276,379	400	110,755
Modoc	Modoc.....	7,675	1,089	64,690		60,586
Mono	Mono.....	1,735	63,380	45,745		10,580
Monterey	Monterey.....	179,545	248,680	114,640		268,450
Napa	Napa.....	56,420	978,950	99,980		199,080

Nevada.....	130,085	429,315	633,480			481,545
Placer.....	98,112	56,206	56,895			56,110
Placer.....	264,541	255,833	254,004			182,389
Plumas.....	44,265	73,815	118,770	7,900		46,985
Sacramento.....	18,968	21,625	91,809			98,557
San Benito.....	425,515	2,380,725	878,880	6,565		1,291,080
San Bernardino.....	87,385	205,358				125,145
San Diego.....	43,456	190,436				84,980
San Francisco.....	56,828	100	77,300	2,750		111,150
San Joaquin.....	11,686,060	63,865,128	105,004	9,549,900		34,888,292
San Luis Obispo.....	231,769	1,367,764	939,042	85,190		579,877
San Mateo.....	49,512	256,433	23,020	550		131,475
Santa Barbara.....	8,045	50,745	49,725	635		64,515
Santa Clara.....	50,885					167,780
Santa Cruz.....	109,517	2,723,962	723,746			182,738
Shasta.....	216,235	713,141	114,326			237,215
Sierra.....	54,994	40,325	125,809	2,050		125,991
Siskiyou.....	90,980	26,950	171,161	25		146,724
Solano.....	89,748	244,229	239,118			227,705
Sonoma.....	49,480	288,146	102,998	13,940		837,765
Stanislaus.....	204,238	1,040,292	453,769	130		456,221
Sutter.....	64,005	336,932	140,847	7,800		167,400
Tehama.....	36,270	151,556	146,761	2,115		43,580
Trinity.....		436,062				171,986
Tulare.....	19,785	71,578	125,437			76,240
Tuolumne.....	74,379	207,637	244,354	1,250		173,265
Ventura.....	12,035	90,650				129,365
Yoloba.....	38,191	184,668	67,383			72,800
Yuba.....	182,882	256,984	286,984	3,045		173,125
Totals.....	\$15,877,001	\$85,949,922	\$10,146,143	\$9,698,000		\$29,980
						\$46,099,381

SCHEDULE D-2--Continued.

COUNTIES.	WAGONS.		Harness, robes, and saddles.	Libraries.	Farming utensils.
	Number.	Value.			
Alameda.....	.....	\$11,825	\$855	\$2,065	\$70
Alameda Township.....	540	88,615	6,410	1,900	8,735
Brooklyn Township.....	1,000	50,000	10,000	1,000	7,000
Eden Township.....	745	40,000	10,000	450	11,000
Murray Township.....	178	15,885	2,400	2,400	2,335
Oakland Township.....	508	87,950	1,850	75	4,960
Washington Township.....	71	6,235	1,827	70	1,225
Alpine.....	.....	.....	.....	.....	.....
Alpine.....	900	68,290	1,760	1,150	6,600
Amador.....	4,350	174,000	18,760	7,350	85,175
Butte.....	798	45,883	9,576	1,405	3,469
Calaveras.....	2,088	15,850	32,708	4,822	67,786
Colusa.....	176	70,450	5,450	2,780	79,680
Contra Costa.....	.....	10,015	4,050	1,950	1,875
Del Norte.....	837	66,530	2,985	3,000	5,260
El Dorado.....	863	59,871	2,985	2,950	17,830
Fresno.....	410	32,442	16,238	4,285	11,028
Humboldt.....	920	58,658	20,560	3,922	6,808
Inyo.....	595	40,820	9,569	3,465	16,845
Kern.....	428	80,190	8,399	836	4,898
Lake.....	2,420	190,260	85,840	10,890	24,080
Lassen.....	974	75,125	5,985	4,250	8,585
Los Angeles.....	324	21,585	7,894	1,295	2,574
Marin.....	1,302	80,739	12,000	4,082	12,719
Mariposa.....	1,000	73,050	18,720	8,150	39,681
Mendocino.....	539	32,487	11,487	275	9,908
Merced.....	172	12,181	4,638	100	3,585
Modoc.....	1,660	106,240	18,650	3,000	37,640
Monterey.....	1,493	98,235	19,905	5,025	17,985
Napa.....	.....	.....	.....	.....	.....

Nevada.....	1,077	83,705	11,150	10,500	8,410
Placer.....	579	31,056	6,804	350	7,663
Placer.....	464	38,925	5,859	4,040	1,129
Plumas.....	104	7,710	1,010	350	100
Plumas.....	472	31,377	6,846	1,305	10,282
Sacramento.....	8,139	218,820	.....	27,680	104,653
San Benito.....	705	49,440	9,372	3,233	9,730
San Bernardino.....	731	45,561	5,863	1,664	5,546
San Diego.....	670	44,390	5,240	3,285	6,008
San Francisco.....	4,493	656,736	40,243	179,040	.....
San Joaquin.....	3,299	247,943	41,100	16,945	67,050
San Mateo.....	840	48,220	10,650	3,452	7,753
San Mateo.....	1,825	70,255	19,525	3,170	17,070
Santa Clara.....	715	55,960	.....	48,315	17,885
Santa Clara.....	3,883	312,274	59,688	33,755	38,525
Santa Cruz.....	141	92,770	16,433	8,460	8,804
Shasta.....	529	36,186	9,581	1,175	5,722
Sierra.....	222	9,275	2,966	1,560	4,985
Siakiyou.....	871	71,993	14,832	1,520	12,105
Solano.....	7,992	106,600	13,922	8,525	36,540
Sonoma.....	3,389	201,941	30,449	9,210	30,384
Stanislaus.....	1,509	105,116	24,469	1,795	84,586
Sutter.....	1,983	86,998	17,686	1,950	27,879
Tehama.....	900	45,840	.....	.....	82,873
Trinity.....	165	12,860	3,065	330	1,890
Tulare.....	1,479	91,000	17,748	3,087	10,428
Tuolumne.....	631	42,790	1,475	2,090	2,865
Yuba.....	628	37,680	8,800	1,180	7,182
Yuba.....	1,518	103,420	14,474	2,090	888,163
Totals.....	82	95,210	8,750	6,700	22,250
Totals.....	65,059	\$4,685,517	\$717,899	\$449,308	\$1,417,430

SCHEDULE D-2—Continued.

COUNTIES.	HORSES—THOROUGHBRED.		HORSES—AMERICAN.		HORSES—SPANISH AND HALF-BREED.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda Township.....	249	\$9,985				
Brooklyn Township.....	434	36,950				
Eden Township.....	590	30,000				
Alameda..	50	5,940				
Murray Township.....						
Oakland Township.....						
Washington Township.....						
Alpine.....						
Amador.....						
Buena Vista.....						
Calaveras.....	4	625				
Colusa.....						
Contra Costa.....	1	300				
Del Norte.....						
El Dorado.....						
Fresno.....	19	3,925				
Humboldt.....	18	1,850				
Inyo.....	9	2,225				
Kern.....	3	1,400				
Lake.....						
Lassen.....	4	1,000				
Los Angeles.....	15	3,000				
Marin.....	8	1,700				
Mariposa.....	2	200				
Mendocino.....	4	1,225				
Merced.....	11	1,610				
Modoc.....	4	1,000				
Mono.....	4	800				
Monterey.....	25	6,250				
Napa.....	5	2,500				

Nevada.....	8	1,225	888	69,180	1,430	55,980
Placer.....	3	1,250	710	41,395	783	19,196
Placer.. { District No. 1.....	1	250	500	39,325	260	7,250
Placer.. { District No. 2.....			1.8	8,770	87	2,520
Plumas.....	16	3,150	1,339	54,431	882	8,145
Sacramento.....	20	5,485	3,376	243,405	3,801	131,460
San Benito.....	2	350	989	65,845	1,992	53,892
San Bernardino.....	5	1,550	239	16,445	2,718	58,479
San Diego.....	5	800	235	19,650	3,757	54,487
San Francisco.....			7,068	743,408		
San Joaquin.....	43	13,450	3,597	246,580	5,478	177,768
San Luis Obispo.....	25	8,128	432	28,186	2,862	61,001
San Mateo.....	6	3,000	1,225	91,875	1,846	35,475
Santa Barbara.....	8	1,245	415	28,750	4,150	51,750
Santa Clara.....	41	19,530	4,345	332,349	6,827	194,913
Santa Cruz.....	2	500	608	56,046	2,479	80,181
Shasta.....			294	18,880	1,914	61,513
Sierra.....	3	1,000	73	5,715	646	27,050
Siskiyou.....	19	2,575	1,379	74,576	8,310	82,562
Solano.....	11	8,000	2,376	158,525	2,890	74,613
Sonoma.....	21	5,580	2,299	129,066	5,887	185,820
Stanislaus.....	11	2,300	833	68,522	5,812	170,154
Sutter.....	19	3,775	1,446	105,370	2,557	85,415
Tehama.....			3,296	113,870		
Trinity.....	1	150	70	6,720	888	21,756
Tulare.....	12	2,300	636	30,615	6,295	119,112
Tuolumne.....					1,909	67,581
Ventura.....	6	1,800	660	36,808	8,112	60,984
Yolo.....	15	2,750	2,029	146,086	3,007	107,295
Yuba.....			2,224	134,830	1,200	36,400
Totals	490	\$123,721	73,344	\$4,914,150	146,039	\$3,960,093

SCHEDULE D-2—Continued.

COUNTIES.	COLTS.		COWS—THOROUGHBRED.		COWS—AMERICAN.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda Township.....	97	\$2,375	7	8340	185	\$4,025
Brooklyn Township.....	200	2,000	8	600	528	12,705
Eden Township.....	500	18,000	12	400	1,000	15,000
Murray Township.....	18	440			1,300	27,000
Oakland Township.....	312	12,480			1,429	35,725
Washington Township.....	51	1,215			269	8,040
Alpine.....	821	18,700			2,498	49,920
Anador.....	2,242	22,420			3,383	67,660
Butte.....	792	18,378			3,400	68,870
Calaveras.....	1,195	22,071			2,177	48,074
Colusa.....	821	12,500			4,674	89,940
Contra Costa.....	116	2,850			612	17,080
Del Norte.....	380	7,500				75,110
El Dorado.....	991	12,594	19	850	1,280	84,045
Fresno.....	620	8,016	131	2,950	1,054	20,485
Humboldt.....	385	2,152	8	450	546	12,090
Inyo.....	298	8,592			625	17,064
Kern.....	418	7,325			1,375	29,865
Lake.....	1,071	9,897			1,566	39,150
Lassen.....	3,282	28,280			1,520	38,020
Los Angeles.....	258	8,550	45	2,100	20,853	417,280
Marin.....	281	8,391			24	417,705
Mariposa.....	852	18,857	40	1,890	4,719	91,208
Mendocino.....	650	9,775			615	15,220
Merced.....	922	7,321	4	375	425	9,055
Modoc.....	223	2,843	60	3,300	633	19,580
Monoc.....	925	9,250	26	2,600	6,940	117,980
Monterey.....	420	5,400	9	900	3,178	65,560
Napa.....	409	8,975			1,573	41,840
Nevada.....						

Placer.....	472	9,506			1,508	31,260
District No. 1.....	77	1,835			589	17,370
District No. 2.....	18	480			187	6,171
District No. 3.....	149	2,302	28	3,450	2,195	57,895
Plumas.....	2,115	54,441	61	2,895	7,806	170,865
Sacramento.....	381	8,817	6	525	3,057	61,160
San Benito.....	518	6,887			1,502	21,729
San Bernardino.....	1,070	5,874	9	410	88	2,220
San Diego.....					4,006	104,855
San Francisco.....					3,784	91,233
San Joaquin.....	3,784	52,761	30	3,075	5,448	133,825
San Luis Obispo.....	1,761	10,042	20	2,000	5,885	113,855
San Mateo.....	613	15,715			1,450	29,000
Santa Barbara.....					9,083	215,258
Santa Clara.....	2,788	68,757	74	11,100	496	17,895
Santa Cruz.....	389	10,043			479	11,975
Shasta.....	639	8,307			1,052	28,590
Sierra.....	412	8,880			2,618	64,865
Siakiyou.....	1,004	16,895	10	800	3,621	87,245
Solano.....	779	15,875	5	750	11,290	211,981
Sonoma.....	953	18,164	8	675	1,396	84,294
Stanislaus.....	870	13,653			2,069	37,357
Sutter.....	1,744	31,785	13	1,200	9,951	119,851
Tehama.....	548	2,740			240	5,800
Trinity.....	119	1,666				
Tulare.....	252	1,874				
Tuolumne.....	606	9,835			1,050	25,785
Ventura.....	320	5,481			3,025	82,782
Yolo.....	1,317	32,314	5	340	2,725	54,500
Yuba.....	923	17,205				
Totals.....	44,046	\$698,761	628	\$43,965	154,896	\$3,820,860

SCHEDULE D-2—Continued.

COUNTIES.	COWS—SPANISH.		CALVES.		STOCK CATTLE.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda	157	\$2,380	161	\$1,135	143	\$1,685
Alameda Township.....	100	1,000	800	1,800	1,000	10,000
Eden Township.....	200	2,700	500	3,200	800	10,000
Murray Township.....	870	26,370	80	480	1,977	39,540
Oakland Township.....			120	720	555	7,985
Washington Township.....			223	1,461	2,615	31,410
Alpine	267	4,344	1,147	9,580	2,850	27,969
Amador			4,062	24,372	5,810	55,649
Butte			2,199	13,108	8,132	110,710
Calaveras			520	5,275	1,114	13,240
Colusa	98	1,388	4,312	22,570	8,162	47,498
Contra Costa	652	11,905	427	2,020	8,310	378,588
Del Norte			760	4,400	15,966	154,109
El Dorado	284	5,358	1,624	8,153	9,915	89,587
Fresno	3,414	68,623	4,912	24,194	79,447	790,437
Humboldt	441	10,355	1,458	4,542	2,813	31,698
Inyo	711	21,414	240	1,380	15,166	227,490
Kern			956	5,089	9,103	91,080
Lake			2,015	10,070	4,986	49,817
Lassen	3,115	64,165	2,553	13,255	2,807	32,547
Los Angeles			1,125	6,724	11,209	124,294
Marin	1,652	28,961	2,275	6,194	3,316	29,795
Mariposa			1,100	6,658	18,100	218,134
Mendocino	5,758	69,488	3,224	12,911	10,739	128,628
Merced	6	90	1,558	7,659	27,632	248,688
Modoc			6,860	20,940	4,057	48,620
Monterey	2,491	39,506	2,040	10,545		
Napa						

Nevada	627	18,045	1,160	6,490	2,653	32,515
Placer	48	612	788	8,940	1,105	12,239
Placer—District No. 1.....	45	890	71	626	548	7,612
Placer—District No. 2.....	87	2,149	98	915	83	1,515
Plumas			2,569	19,549	4,291	52,160
San Bernardino	992	21,085	3,124	18,672	9,581	116,127
San Benito			501	2,394	10,502	99,291
San Bernardino	181	1,522		8,077	62,691	62,691
San Diego	3,516	39,778		14,636	12,115	97,528
San Francisco						
San Joaquin	451	8,598	4,308	34,788	14,388	144,375
San Luis Obispo	3,895	58,159	7,048	16,503	20,587	145,815
San Mateo			880	4,670	3,272	31,200
Santa Barbara	1,600	24,450	3,560	10,680	11,875	95,060
Santa Clara	3,480	73,270	5,312	42,280	13,922	138,176
Santa Cruz	3,302	65,070	987	5,684	1,780	19,714
Shasta	894	11,255	2,868	17,560	5,405	81,075
Sierra	163	4,768	1,005	6,996	2,085	28,755
Siskiyou	149	2,028	3,835	21,299	16,727	187,739
Solano	1,811	16,926	1,834	9,394	8,654	87,226
Sonoma	4,069	74,355	4,168	17,029	6,469	62,716
Stanislaus			1,409	6,967	6,445	76,981
Sutter			1,485	8,077	5,213	48,973
Tehama	210	4,316	247	3,712	4,540	55,260
Trinity	8,251	48,765	2,324	11,620	11,272	112,720
Tulare	2,056	51,185			3,569	38,285
Tuolumne	195	4,095	1,361	5,679	5,056	36,149
Yuba	413	10,505	1,810	15,195	8,309	42,983
Totals.....	51,971	\$910,508	107,871	\$584,092	478,216	\$4,940,859

SCHEDULE D-2—Continued.

COUNTIES.	BEEF CATTLE.		GOATS.		SHEEP—FINE.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda { Alameda Township.....	100	92,000	50	850	46	220
Brooklyn Township.....	175	8,000	600	1,000	100	1,500
Eden Township.....	52	640	163	1,285	786	11,040
Murray Township.....	130	2,380	425	860		
Oakland Township.....	7,094	92,222	4,525	5,920	235	2,950
Washington Township.....	537	8,847	7,225	10,173	843	6,817
Alpine.....	501	12,580	86	176		
Amador.....	324	6,580	451	642	3,370	10,200
Butte.....	49	840				
Calaveras.....	1,374	24,182	5,167	18,158		3,985
Colusa.....	1,875	19,260	127	6,243	1,402	15,418
Contra Costa.....	202	3,237	203	346	228	4,100
Del Norte.....	14,912	208,240	618	1,451	743	18,810
El Dorado.....	629	11,950	1,096	2,285		
Fresno.....	655	9,830	24	48	675	2,700
Humboldt.....	302	5,693	1,980	3,168	1,632	16,648
Inyo.....	326	6,450	85	100		
Kern.....	603	8,750	7,253	19,645	10	100
Lake.....	1,271	22,050	450	985	668	3,980
Lassen.....	117	2,812	919	1,328	4,805	43,278
Los Angeles.....	117	2,812	1,015	3,637	12	445
Mariposa.....	240	5,710	415	889		
Mendocino.....	1,848	29,568	3,500	14,000	115	4,600
Merced.....	300	5,210	474	1,900	80	1,600
Modoc.....	92	1,885	1,107	2,000		
Mono.....						
Monterey.....						
Napa.....						
Nevada.....						
Plumas { District No. 1.....	229	4,119	2,190	3,043	2,368	8,844
San Bernardino { District No. 2.....	45	1,092	2,673	6,386		
San Diego { District No. 3.....	27	755	456	505		
San Francisco.....	379	7,805	652	1,249		
San Joaquin.....	348	7,000	887	2,151	1,108	7,570
San Luis Obispo.....	252	2,268	683	1,348	469	4,400
San Mateo.....	908	9,132	525	525	80,774	120,005
Santa Barbara.....	118	2,375	1,750	1,123		
Santa Clara.....	8,070	51,406	1,043	1,119	1,842	24,010
Santa Cruz.....	168	2,800	1,044	1,248	978	8,971
Shasta.....	500	5,000	190	380		
Sierra.....	471	7,884			395	2,575
Sierraville.....	176	2,640	1,634	3,774	2,733	42,772
Slackville.....	311	5,440	209	8,378	46	508
Solano.....	7	22,115	1,267	2,645	46	460
Sonoma.....	1,816	22,115	102	655		
Stanislaus.....	242	4,315	112	160	8	80
Sutter.....	1,063	12,467	919	1,454	2,244	11,434
Tehama.....			948	1,342	1,735	6,885
Trinity.....	47	752	40	45	3,434	28,180
Tulare.....	381	5,715	621	1,324	197	1,045
Tuolumne.....			2,669	2,985		
Ventura.....	24	240	2,871	2,871	3,161	18,015
Yolo.....	107	2,216	600	600	200	2,000
Yuba.....	60	950	14	84	1,823	7,381
Totals.....	43,956	\$742,997	66,988	\$124,703	118,645	\$438,022

SCHEDULE D-2—Continued.

COUNTIES.	SHEEP—COMMON.		LAMBS.		JACKS AND JENNIES.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda.....	458	\$915	47	\$104	1	\$25
Alameda.....	1,600	8,200	1,000	1,000	1	25
Alameda.....	30,000	60,000	4,000	3,750		
Alameda.....	4,000	8,000				
Alameda.....	2,250	3,375				
Alameda.....	1,150	2,300	238	1,864		
Alameda.....	14,847	80,400	4,170	4,170	5	100
Alameda.....	82,257	164,514	13,709	6,854	22	220
Alameda.....	46,089	92,178	19,591	10,335	34	425
Alameda.....	173,207	484,137			24	2,748
Alameda.....	21,040	45,430	17,420	9,240	15	650
Alameda.....	1,169	2,550	110	55	1	30
Alameda.....	10,000	20,000				
Alameda.....	489,666	972,109	224,317	112,551	22	118
Alameda.....	84,773	203,982	662	553	20	400
Alameda.....	2,945	7,063	225	90	111	905
Alameda.....	310,119	638,474	129,165	64,582	35	1,355
Alameda.....	24,131	61,462			7	750
Alameda.....	20,958	52,116			8	215
Alameda.....	473,250	829,025	9,800	4,900	27	270
Alameda.....	1,054	2,615	114	114	112	6,145
Alameda.....	66,500	130,821	33,171	17,094	73	6,145
Alameda.....	150,211	375,528	72,896	72,762	10	2,250
Alameda.....	224,314	447,021	112,858	57,947	11	1,525
Alameda.....	17,520	41,782			8	130
Alameda.....	7,113	13,083	3,101	2,801	8	565
Alameda.....	171,184	355,198	62,573	48,880	175	175
Alameda.....	29,031	66,565	13,780	6,590	9	225
Alameda.....					15	2,250
Nevada.....	2,441	6,040	645	645	6	60
Nevada.....	42,144	84,288	21,797	10,848	2	100
Nevada.....	300	717	52	26	1	180
Nevada.....	284	740	143	143	9	100
Nevada.....	3,775	11,532			9	100
Nevada.....	114,867	278,015	50,417	47,215	4	120
Nevada.....	118,231	218,531	900	675	5	620
Nevada.....	68,990	102,398	1,650	560	21	218
Nevada.....	94,710	192,095	56,150	22,217	37	540
Nevada.....	675	1,830				
Nevada.....	90,272	212,235	46,562	27,128	49	3,015
Nevada.....	208,259	455,156	87,580	43,792	13	167
Nevada.....	326	840	50	50		
Nevada.....	351,765	605,589	125,000	62,500	8	40
Nevada.....	42,835	106,305	6,046	6,892	24	2,920
Nevada.....	1,058	1,817	169	100	10	50
Nevada.....	48,130	120,325	24,155	12,078	6	105
Nevada.....	4,508	8,605				
Nevada.....	26,855	68,128				
Nevada.....	60,010	118,955				
Nevada.....	71,074	135,956	10,386	10,874	38	1,870
Nevada.....	164,349	311,753	40,025	20,254	7	800
Nevada.....	30,329	63,646	80,790	42,482	9	625
Nevada.....	200,069	366,681			18	1,190
Nevada.....	21,963	46,326	4,416	2,208	4	650
Nevada.....	404,897	607,346				
Nevada.....	13,100	26,183	5,180	5,180	9	774
Nevada.....	126,000	187,000	28,402	18,201	45	945
Nevada.....	74,638	147,030	2,425	2,925	35	680
Nevada.....	31,605	70,095			8	500
Nevada.....					7	895
Totals.....	4,896,510	\$9,625,198	1,314,382	\$764,929	953	\$89,490

SCHEDULE D-2—Continued.

COUNTIES.	MULES.		OXEN.		HORSES.	
	Number.	Value.	Number.	Value.	Number.	Value.
Alameda.....	16	\$800	16	.....	112	\$450
Alameda Township.....	19	1,000	5	.....	177	695
Brooklyn Township.....	100	5,000	.....	.....	700	1,400
Eden Township.....	200	8,975	.....	.....	700	2,345
Murray Township.....	14	250	37	.....	266	970
Oakland Township.....	44	3,300	.....	.....	199	1,194
Washington Township.....	6	350	.....	.....	102	706
Alpine.....	230	11,760	84	4,121	3,618	7,790
Amador.....	830	41,500	406	12,180	10,160	30,480
Butte.....	177	5,720	77	3,420	8,043	3,054
Colusa.....	2,277	115,883	.....	.....	15,588	47,210
Colusa.....	522	26,150	8	250	6,210	17,535
Contra Costa.....	124	4,790	88	2,640	709	1,795
Del Norte.....	98	5,128	221	8,270	.....	2,000
El Dorado.....	550	24,185	132	6,408	14,968	41,557
Fresno.....	1,181	42,779	586	32,555	7,353	18,060
Humboldt.....	576	29,695	158	6,692	1,206	5,262
Inyo.....	658	31,776	215	8,165	3,370	10,907
Kern.....	188	9,785	79	1,985	4,908	12,683
Lake.....	161	5,575	131	5,440	742	2,864
Lassen.....	1,008	44,230	173	5,580	6,040	15,100
Los Angeles.....	259	8,780	119	5,460	6,568	24,314
Marin.....	638	26,080	57	1,720	8,798	11,612
Mariposa.....	964	57,557	378	19,545	14,051	32,792
Mendocino.....	202	9,220	8	200	4,149	11,173
Merced.....	120	5,480	83	3,220	2,802	7,469
Modoc.....	262	14,685	241	10,208	298	860
Monterey.....	665	43,850	26	650	5,822	23,288
Napa.....	.....	.....	28	1,300	5,666	14,160
Nevada.....	110	5,320	318	15,970	1,761	7,045
Placer.....	108	6,210	34	1,560	2,344	7,102
Placer.....	80	5,390	208	10,465	582	8,314
Plumas.....	72	8,195	87	4,750	259	1,322
Sacramento.....	115	4,890	200	8,896	757	3,132
San Benito.....	856	15,450	136	8,669	7,960	27,608
San Bernardino.....	114	10,220	8	800	3,902	10,101
San Diego.....	413	16,280	197	3,270	923	1,957
San Francisco.....	454	9,613	189	3,971	914	2,247
San Joaquin.....	16	1,650	.....	.....	2,546	15,360
San Luis Obispo.....	1,020	59,080	6	260	11,250	26,939
San Mateo.....	280	7,555	21	545	6,520	17,960
Santa Barbara.....	314	16,840	163	5,550	2,444	8,325
Santa Clara.....	325	8,450	75	1,050	1,156	2,312
Santa Cruz.....	483	27,931	49	1,849	7,782	32,085
Shasta.....	152	8,280	479	18,110	2,246	7,700
Sierra.....	239	9,295	132	4,496	8,390	18,659
Sierra.....	73	5,145	97	4,520	256	1,194
Sierraville.....	694	22,955	118	4,078	4,884	13,106
Solano.....	727	40,535	2	75	8,942	22,305
Sonoma.....	637	33,268	271	7,815	13,040	34,186
Stanislaus.....	1,284	70,550	16	480	8,101	16,128
Sutter.....	517	32,697	69	2,940	8,887	19,607
Tehama.....	347	15,157	97	4,850	6,824	16,110
Trinity.....	271	10,150	100	2,885	587	2,380
Tulare.....	535	20,660	53	1,725	13,103	26,206
Tuolumne.....	186	7,440	.....	.....	6,241	6,241
Yuba.....	172	7,348	.....	.....	11,495	24,253
Yuba.....	829	46,765	.....	.....	13,135	42,091
Totals.....	831	16,570	141	5,365	3,580	10,855
Totals.....	23,141	\$1,127,547	6,576	\$260,440	279,344	\$781,084

SCHEDULE D-2—Continued.

COUNTIES.	BUTTER.		CHEESE.		BEEHIVES.	
	Pounds.	Value.	Pounds.	Value.	Number.	Value.
Alameda	10,000	\$3,000			8	\$26
Alameda Township	10,000	2,000			25	50
Eden Township	2,480	861			9	65
Murray Township					40	45
Oakland Township						120
Washington Township						
Alameda	14,000	2,800	8,400	\$340	484	484
Alameda Township					400	483
Eden Township					235	280
Murray Township						
Oakland Township					20	30
Washington Township						285
Alameda	920	184	1,140	114		4
Alameda Township	15,700	2,825			8	275
Eden Township	614	184			184	1,477
Murray Township	1,920	2,190			84	420
Oakland Township					200	400
Washington Township						
Alameda			1,800	180	4,570	9,140
Alameda Township					8	22
Eden Township						
Murray Township	5,755	1,250			350	512
Oakland Township		25			27	133
Washington Township	950	285			35	175
Alameda	2,260	705				627
Alameda Township	20,000	4,000	10,000	1,000		

Napa					280	345
Nevada					888	705
Placer					274	488
Plumas					168	898
Sacramento	150	40				
San Bernardino					1,780	3,480
San Diego					8,761	27,594
San Francisco						
San Joaquin					524	981
San Luis Obispo	800	160	4,580	560	521	521
San Mateo	22,485	8,253	37,510	3,786	202	410
Santa Barbara		525		2,150	1,550	1,550
Santa Clara						
Santa Cruz	2,985	628	40,733	4,887		
Shasta		4,120		1,090	10	15
Sierra					281	321
Siskiyou					83	100
Solano	2,100	505	1,600	380	829	8,088
Sonoma	11,420	1,988	100	8	75	165
Stanislaus					82	97
Sutter					583	1,080
Tehama						
Trinity						
Tulare						
Tuolumne						
Ventura					50	150
Yolo					809	1,618
Yuba		200			270	270
Totals	124,519	\$32,351	100,583	\$14,445	25,587	\$60,174

SCHEDULE D-2—Continued.

COUNTIES.	GRAIN.		HAY.		WOOL.	
	Tons.	Value.	Tons.	Value.	Pounds.	Value.
Alameda Township.....	200	\$4,000	50	\$500	.....	.....
Brooklyn Township.....	15,000	400,000	171	1,825	.....	.....
Eden Township.....	650	8,400	200	2,000	567,557	\$72,000
Murray Township.....	1	55	8,000	80,000	.....	1,000
Oakland Township.....	1	26,420	1,288	16,075	.....	.....
Washington Township.....	182	4,680	140	1,506	.....	.....
Alameda.....	1,821	46,800	235	2,070	.....	.....
Butte.....	156	3,582	623	4,984	3,485	848
Calaveras.....	2,847	67,219	800	8,252	.....	4,238
Colusa.....	2,850	71,200	214	3,536	980	196
Contra Costa.....	85	515	560	5,040	400	60
Del Norte.....	180	8,450	30	2,600	.....	.....
El Dorado.....	368	6,720	204	2,569	5,270	917
Essex.....	485	18,746	148	2,510	5,400	1,110
Humboldt.....	39	2,400	825	8,261	.....	.....
Inyo.....	322	7,118	303	4,124	.....	.....
Kern.....	44	1,118	590	5,788	.....	.....
Lake.....	810	8,100	1,311	8,933	.....	.....
Los Angeles.....	265	6,625	1,250	5,020	.....	.....
Marin.....	546	10,930	110	1,080	.....	10
Mendocino.....	621	12,420	672	6,618	9,500	1,078
Merced.....	4	1,150	480	8,807	10,000	1,640
Modoc.....	4	208	2,439	5,371	.....	.....
Monterey.....	290	28,890	392	1,875	.....	.....
Nevada.....	.....	5,310	600	2,850	.....	6,000
Nevada.....	25	750	90	1,910	.....	.....
Placer.....	2	350	3	87	.....	.....
Plumas.....	38	1,760	12	974	.....	.....
Sacramento.....	675	17,018	1,367	8,663	.....	10
San Benito.....	2,139	33,908	1,662	11,829	152,848	15,284
San Bernardino.....	.....	1,185	1,245	8,795	.....	.....
San Diego.....	.....	1,185	.....	1,840	10,759	1,700
San Francisco.....	3,889	106,145	2,488	15,154	8,900	1,070
San Joaquin.....	282	5,643	962	4,777	5,200	620
San Luis Obispo.....	400	5,970	170	2,600	.....	.....
San Mateo.....	7,083	210,990	1,863	18,680	4,885	790
Santa Barbara.....	390	7,738	252	2,524	.....	20
Santa Clara.....	246	5,959	204	2,304	.....	.....
Santa Cruz.....	36	1,555	399	2,855	.....	.....
Shasta.....	500	11,157	684	4,885	.....	.....
Sierra.....	1,530	42,875	1,298	7,830	2,270	500
Slackville.....	947	19,541	566	4,896	900	185
Sonoma.....	1,063	28,398	223	1,710	.....	500
Stanislaus.....	775	16,535	248	1,647	.....	1,120
Sutter.....	.....	20,800	.....	.....	.....	.....
Tehama.....	249	1,800	28	560	.....	.....
Trinity.....	65	4,990	254	2,540	.....	.....
Tulare.....	886	17,816	135	785	.....	.....
Tuolumne.....	1,714	38,720	128	945	3,000	380
Ventura.....	.....	.....	155	1,420	14,800	1,720
Yolo.....	.....	.....	.....	.....	805,654	\$106,233
Yuba.....	50,158	\$1,302,206	35,315	\$300,292	.....	.....
Totals.....	.....	.....	.....	.....	.....	.....

SCHEDULE D-2—Continued.

COUNTIES.	COAL.		WATCHES.		Jewelry or plate.	Household furniture.
	Tons.	Value.	Number.	Value.		
Alameda	Alameda Township	.....	249	\$3,685	\$1,000	\$59,975
	Brooklyn Township	.....	400	10,265	1,200	112,677
	Eden Township	.....	75	8,000	400	50,000
	Murray Township	.....	676	40,105	17,315	812,885
	Oakland Township	.....	6	.....	.....	16,225
	Washington Township	.....	30	1,815	50	4,880
Alpine	.....	15	38	8,130	1,150	44,760
Amador	.....	.....	721	2,163	1,422	121,260
Butte	.....	.....	834	8,943	975	27,562
Calaveras	.....	.....	422	13,497	1,020	76,474
Colusa	.....	.....	.....	7,250	1,250	69,875
Contra Costa	.....	.....	195	4,065	1,500	2,010
Del Norte	.....	.....	248	12,811	1,000	77,500
El Dorado	.....	.....	530	8,968	765	31,577
Fresno	.....	.....	149	11,805	880	54,455
Humboldt	.....	745	267	6,861	1,192	19,388
Inyo	45	100	148	8,321	1,365	39,274
Kern	.....	.....	56	4,418	870	24,563
Lake	.....	.....	815	1,638	.....	7,585
Lassen	.....	.....	103	24,290	4,415	162,120
Los Angeles	.....	.....	129	6,835	400	98,798
Marin	.....	.....	497	4,292	1,689	18,225
Mariposa	.....	.....	249	14,955	1,689	71,283
Mendocino	70	1,400	116	8,654	1,175	39,378
Merced	.....	.....	59	2,635	475	13,285
Modoc	.....	.....	685	2,970	50	3,487
Monterey	.....	.....	754	17,125	2,745	88,250
Napa	.....	500	.....	20,385	2,500	149,605

Nevada	District No. 1	.....	568	27,845	2,345	130,130
	District No. 2	.....	388	6,067	270	21,270
Placer	District No. 3	.....	111	18,643	2,040	56,981
Plumas	.....	.....	129	6,065	485	8,986
Sacramento	.....	.....	1,271	57,505	16,520	22,470
San Benito	.....	.....	81	3,880	400	543,655
San Bernardino	.....	.....	113	2,750	145	85,100
San Diego	.....	.....	173	5,822	1,380	11,620
San Francisco	.....	3,300	329	28,515	202,090	33,288
San Joaquin	.....	.....	1,267	49,988	4,745	4,865,521
San Luis Obispo	.....	8,685	171	5,671	475	288,760
San Mateo	1,247	.....	220	6,655	3,960	33,337
Santa Barbara	.....	.....	415	2,075	.....	82,420
Santa Clara	.....	.....	.....	68,325	13,327	69,765
Santa Cruz	237	2,338	467	14,861	2,208	468,785
Sierra	.....	.....	250	8,547	985	87,490
Siskiyou	.....	.....	141	4,217	3,300	80,331
Solano	.....	.....	271	9,180	930	27,230
Sonoma	.....	.....	322	12,890	1,825	49,580
Stanislaus	.....	.....	1,069	26,941	8,380	110,865
Sutter	.....	.....	350	12,183	315	208,982
Tehama	.....	.....	242	7,721	585	18,328
Trinity	.....	.....	163	10,392	.....	42,070
Tulare	.....	.....	185	7,183	2,264	88,905
Tuolumne	.....	.....	156	9,350	858	13,678
Ventura	250	2,000	274	6,445	.....	80,960
Yolo	.....	.....	272	4,636	537	33,130
Yuba	.....	.....	.....	10,110	1,565	23,048
Totals	6,968	\$20,343	17,557	\$711,458	\$380,832	101,465
						\$8,840,987

SCHEDULE D-2—Continued.

COUNTIES.	Fixtures of saloons.	Musical instruments.	WINE.		BRANDIES AND OTHER LIQUORS.	
			Gallons.	Value.	Gallons.	Value.
Alameda.....	\$1,000	\$7,500				\$875
Alameda Township.....	970	21,895				
Brooklyn Township.....	3,000	5,000		\$200		5,000
Eden Township.....	2,000	1,000				13,325
Murray Township.....	25,160	51,015		625		1,000
Oakland Township.....	2,625	2,325	13,500			150
Washington Township.....	1,230	325			50	600
Alpine.....	6,320	5,680				
Amador.....	10,640	2,780	33,500	4,979	600	
Batte.....	9,865	3,216	48,142	9,354	4,922	7,947
Calaveras.....	12,370	7,946				7,866
Colusa.....	6,800	5,735	6,740	2,695		
Contra Costa.....	3,110	8,775				
Del Norte.....		8,200	120,000	19,000	1,240	3,010
El Dorado.....		1,924			5,600	5,600
Fresno.....	3,909	16,435				4,861
Humboldt.....	8,005	8,855	1,360	4,981		4,266
Inyo.....	8,610	1,579			4,000	11,314
Kern.....	8,125	8,265				3,570
Lake.....	1,225					
Lassen.....	85,050	21,500	135,100	18,910	59,030	23,610
Los Angeles.....	5,475	10,595		2,875		3,925
Marin.....	1,875	336		1,085		2,769
Mariposa.....	18,718	8,726			6,206	12,412
Mendocino.....	8,270	8,885	7,490	1,940		3,435
Merced.....	1,575	463		15		
Modoc.....	1,470	120		500		980
Monterey.....	39,830	15,270				
Napa.....	2,625	20,440	447,375	53,685	1,450	1,450

Nevada.....	19,030	23,040		750		15,220
Placer.....	4,995	10,750	31,000	4,795	1,409	1,905
Plumas.....	975	2,580	7,360	1,895	2,500	7,775
Sacramento.....	1,410	3,800	8,600	725		4,125
San Bernardino.....		78,985	146	215	2,019	4,795
San Diego.....	9,280	4,400			117,635	28,315
San Francisco.....	28,278	5,160	4,600	750	58,690	1,700
San Joaquin.....	7,788	6,914		37		14,685
San Luis Obispo.....	507,803	643,430				
San Mateo.....	25,960	46,927	40,775	9,733	2,720	8,975
Santa Barbara.....	5,635	2,479				5,634
Santa Clara.....	6,185	9,600	3,740	1,870	4,690	7,025
Santa Cruz.....	23,315	8,175				
Shasta.....	16,280	73,360	72,866	10,380	74,488	148,975
Sierra.....	4,495	18,835	81,613	4,742	7,672	19,698
Siskiyou.....	1,590	2,402	11,626	3,210	1,752	4,862
Solano.....	1,315	1,495				
Sonoma.....	9,365	5,880			387	6,067
Stanislaus.....	82,033	19,350	56,850	9,360	3,440	1,860
Sutter.....	18,550	36,340	1,178,670	176,921	16,824	17,563
Tehama.....	2,205	7,170	14,400	3,759		5,185
Trinity.....	2,366	5,085	9,200	1,099		3,485
Tulare.....	14,235					750
Tuolumne.....		5,120		808		8,275
Ventura.....	240	6,785		5,495		1,275
Yolo.....	6,175	4,020	4,000	600	1,500	1,466
Yuba.....	15,250	11,545	10,402	1,264		40,859
Totals.....	\$1,061,955	\$1,295,107	2,976,585	\$369,973	879,940	\$436,925

SCHEDULE D-2—Continued.

COUNTIES.	POULTRY.		FIREARMS.		LUMBER.	
	Doz.	Value.	Value.	M.	Value.	
Alameda	{ Alameda Township.....	115	\$575	890	\$15,000
	{ Brooklyn Township.....	451	2,200	600	3,500
	{ Eden Township.....	100	5,000	1,000	1,800
	{ Murray Township.....	1,500	6,000	700
	{ Oakland Township.....	5,110	2,445	1,355	14,175
	{ Washington Township.....	750	3,000	1,500	350
Alpine.....	63	378	.....	.....	.....
Amador.....	794	4,100	.....	487	7,550
Butte.....	220	660	1,275	.....	32,560
Calaveras.....	1,376	5,188	4,846	273	4,122	
Colusa.....	1,590	6,119	7,919	.....	8,967
Contra Costa.....	2,824	11,620	2,195	.....	8,150
Del Norte.....	300	750	.....	1,000	7,000
El Dorado.....	.....	2,800	4,874	.....	7,210
Fresno.....	1,232	3,856	6,862	1,148	73,227	
Humboldt.....	1,100	3,866	4,657	.....	52,760
Inyo.....	506	3,077	2,828	129	5,753	
Kern.....	773	2,573	6,555	161	4,570	
Lake.....	.....	4,224	7,313	167	2,442
Lassen.....	.....	.....	1,188	315	2,520
Los Angeles.....	2,780	11,140	9,080	1,850	37,000	
Marin.....	.....	2,783	1,255	.....	10,900
Mariposa.....	.....	1,792	2,619	.....	1,200
Mendocino.....	2,231	6,692	12,494	5,558	66,340	
Merced.....	1,370	5,652	3,177	.....	11,945
Modoc.....	499	2,491	8,449	214	2,227	
Monterey.....	.....	398	965	.....	1,363
Monterey.....	3,478	18,900	5,228	.....	39,187
Napa.....	1,640	9,840	5,800	1,060	18,900	

Nevada.....	1,248	6,450	4,185	6,466	55,560
Placer..... { District No. 1..... { District No. 2..... { District No. 3.....	1,017 485 35	7,028 3,015 210	2,568 3,927 580	80 1,102 450	1,125 24,392 2,525
Plumas.....	535	2,580	1,484	1,218	10,555
Sacramento.....	5,126	28,529	7,812	.....	.....
San Benito.....	.....	3,928	454	.....	2,650
San Bernardino.....	376	1,505	200	.....	12,000
San Diego.....	423	2,200	2,062	.....	.....
San Francisco.....	5,254	26,270	9,986	.....	8,550
San Joaquin.....	1,045	3,135	2,954	633	9,370
San Luis Obispo.....	800	3,935	2,385	830	8,300
San Mateo.....	.....	1,750	.....	.....	.....
Santa Barbara.....	6,965	31,825	8,875	.....	60,235
Santa Clara.....	1,541	6,297	3,589	865	8,654
Santa Cruz.....	588	2,416	5,770	1,742	14,988
Shasta.....	25	290	795	1,916	5,405
Sierra.....	651	2,869	5,009	.....	1,889
Siakiyouk.....	9,932	3,649	1,588	2,190	28,669
Solano.....	4,440	21,835	10,449	8,453	34,455
Sonoma.....	1,312	5,323	2,053	.....	5,245
Stanislaus.....	2,158	10,790	4,670	.....	1,000
Sutter.....	.....	.....	.....	.....	.....
Tehama.....	.....	1,340	2,600	.....	1,400
Trinity.....	.....	1,423	5,890	140	3,823
Tulare.....	.....	2,925	2,665	.....	6,025
Tuolumne.....	872	2,180	1,699	990	17,225
Ventura.....	1,747	6,580	3,516	.....	15,690
Yuba.....	.....	4,200	1,400	1,750	21,000
Totals.....	76,304	\$311,484	\$198,539	36,177	\$799,817

SCHEDULE D-2—Continued.

COUNTIES.	WOOD.		MACHINERY. Value.	RAILROAD ROLL- ING STOCK.	OTHER PERSONAL PROPERTY.	TOTAL VALUE OF ALL PERSONAL PROPERTY.
	Cords.	Value.				
Alameda Township.....			\$84,250	\$17,100	\$15,000	\$180,975
Brooklyn Township.....			52,000	25,000		628,280
Eden Township.....	100	\$200	52,000	26,000	17,610	628,710
Murray Township.....	300	1,500	10,000			998,025
Oakland Township.....		880	33,525	33,638		4,765,865
Washington Township.....			10,575	156,259		526,702
Alpine.....	57,016	156,794	2,200		26,745	230,672
Amador.....	5,658	13,980				818,418
Butte.....	4,280	4,280	72,960	134,248	29,170	2,796,381
Calaveras.....	1,896	2,060	10,529	762	25,500	812,511
Colusa.....	8,647	22,508	64,307		12,971	2,894,884
Contra Costa.....		1,690	48,267	32,200	46,200	1,863,366
Del Norte.....	50	125	1,220	1,000		238,660
El Dorado.....		5,845	1,650		27,233	1,110,189
Freese.....			18,140	172,679	3,186	2,584,276
Humboldt.....			33,145			2,115,315
Inyo.....	1,211	4,442	13,595		16,124	766,650
Kern.....	974	3,355	14,704	86,636	570	2,580,366
Lake.....		125	4,985		2,732	644,794
Lassen.....			6,580		588	694,766
Los Angeles.....	270	1,374	144,900	85,453	7,665	4,762,031
Marin.....	9,672	26,583	16,850	45,900	4,732	1,589,100
Mariposa.....		2,815	11,940		245	673,080
Mendocino.....	4,037	11,246	226,944	1,750	114,068	2,828,503
Merced.....	1,467	4,524	11,445	103,888	70	1,824,168
Modoc.....		400	11,815		4,454	672,155
Mono.....		1,600	950		11,945	425,685
Monterey.....	895	2,685	93,217	65,704		2,700,731
Napa.....	7,450	14,905	58,525	46,465	34,375	2,890,630
Nevada.....	26,566	33,170	49,800	85,102	38,825	2,576,947

(District No. 1.		5,069	11,838	16,858	103,388	18,445	737,971
Placer.....		14,474	51,426	11,588	213,809	90	1,511,191
(District No. 2.		250	7,515	10,785		1,988	1,377,250
Plumas.....		450	1,200	7,515		582,465	8,400,063
Sacramento.....		4,674	17,112	817,725	161,630		8,400,220
San Benito.....			300	33,580			1,115,458
San Bernardino.....				4,905		29,524	1,823,297
San Diego.....			1,419	40,230	10,000		1,098,772
San Francisco.....				1,497,231	2,220	19,801,863	148,657,785
San Joaquin.....		8,615	19,115	13,056	80,176	324,494	5,906,884
San Mateo.....		60	800	7,288	185,282	14,735	1,687,337
Santa Clara.....		6,000	6,200	32,320	22,945		821,165
Santa Barbara.....						527,332	1,936,249
Santa Cruz.....		5,775	33,675	145,560	77,284	42,715	7,778,790
Shasta.....		1,194	4,868	48,580	8,560	99,286	2,052,732
Sierra.....			600	19,435	52,889	8,311	984,322
Siskiyou.....			1,670	18,740	6,048		689,526
Solano.....		57	425	26,505		91,000	1,692,566
Sonoma.....		1,285	2,835	45,309	45,333	9,575	1,998,580
Stanislaus.....		4,077	10,982	68,904	82,590		4,168,835
Sutter.....		3,588	7,122	40,192	74,073		1,978,001
Tehama.....				35,805	55,333	2,365	1,160,372
Tulare.....		600	1,200	8,825			1,423,498
Tulare.....			600	36,600	95,694	9,898	515,168
Tuolumne.....				6,985			2,065,931
Ventura.....		140	560	9,875		1,055	573,038
Yolo.....		8,920	10,753	50,921	35,138		867,068
Yuba.....		950	2,850	89,350	54,345	27,710	2,627,155
Totals.....		190,538	\$539,773	\$3,838,680	\$2,410,991	\$23,031,759	\$254,099,098

SCHEDULE E.

Summary statement of the reports of the Auditors of the several counties, in the year eighteen hundred and seventy-four.

COUNTIES.	The number of acres of land.	The value of real estate.	The value of improvements on real estate.	The value of personal property, exclusive of money.	The amount of money.	The total value of all property.
Alameda	385,843	\$24,708,053	\$5,310,703	\$4,412,288	\$2,553,853	\$37,284,897
Alpine	42,280	165,905	83,315	590,248	4,592	838,060
Amador	131,177	882,995	812,845	816,180	25,185	2,537,305
Butte	441,490	5,100,200	1,224,188	2,620,556	117,718	9,062,659
Calaveras	133,472	385,054	451,588	824,732	21,792	1,683,166
Colusa	960,289	5,608,480	760,761	2,668,916	121,845	9,150,002
Contra Costa	439,429	4,838,482	768,022	1,945,728	80,053	7,682,288
Del Norte	40,883	203,250	171,840	283,630	17,190	687,910
El Dorado	178,261	544,217	778,298	960,956	121,505	2,394,043
Fresno	1,502,261	4,623,565	375,672	2,486,027	20,364	7,514,628
Humboldt	430,844	1,784,029	818,040	2,013,847	73,942	4,688,953
Inyo	50,567	447,275	350,478	762,470	9,507	1,603,760
Kern	753,326	1,665,498	288,288	1,603,283	28,718	3,865,797
Lake	167,053	937,747	406,159	562,445	23,929	1,924,274
Lassen	118,627	257,215	203,576	657,423	6,230	1,124,449
Los Angeles	1,172,557	5,806,047	2,190,130	3,997,214	86,375	12,050,866
Marin	319,708	4,904,042	1,109,910	1,023,149	486,609	7,423,710
Mariposa	146,967	477,886	360,680	531,813	2,150	1,372,329
Mendocino	532,563	2,239,205	965,804	2,553,560	72,688	5,851,257
Merced	996,999	4,462,724	466,312	2,028,215	14,875	6,972,129
Modoc	106,533	224,896	191,049	741,960	5,120	1,163,034
Mono	37,515	80,000	110,145	354,247	7,966	552,368
Monterey	705,579	6,238,252	787,002	2,366,006	75,398	9,408,658
Napa	329,554	4,896,152	1,508,840	2,049,392	26,994	8,471,378
Nevada	179,900	4,173,523	1,573,987	2,813,728	122,990	8,684,038
Placer	298,447	3,445,394	892,987	2,321,811	184,753	6,844,895
Totals	22,109,503	\$309,049,066	\$91,161,801	\$95,862,451	\$11,147,312	\$607,220,680

Plumas	98,719	587,569	325,770	479,352	29,285	1,421,906
Sacramento	613,035	7,909,620	5,290,375	10,025,614	422,986	23,648,445
San Benito	276,430	2,983,294	436,763	1,074,523	5,717	4,502,097
San Bernardino	1,019,557	768,465	323,943	605,279	10,659	1,708,346
San Diego	802,407	1,905,191	315,550	854,372	29,487	3,104,600
San Francisco	6,869	121,394,168	30,133,255	96,202,048	4,369,593	261,079,094
San Joaquin	859,047	11,819,609	2,764,399	5,528,717	313,896	20,426,121
San Luis Obispo	1,068,000	2,655,071	882,645	1,462,625	26,133	4,626,474
San Mateo	208,618	4,735,036	317,220	1,176,897	10,200	6,737,343
Santa Barbara	981,736	3,397,108	791,650	1,670,210	111,680	5,970,628
Santa Clara	540,957	18,423,965	4,505,980	7,642,977	129,374	31,688,346
Santa Cruz	237,933	4,047,210	1,182,155	2,012,611	55,088	7,297,094
Shasta	75,072	570,529	370,404	931,209	40,005	1,918,447
Sierra	63,361	929,161	520,124	771,246	72,476	2,298,067
Siskiyou	186,917	786,505	571,560	1,582,165	64,003	3,064,236
Solano	474,955	6,112,556	1,769,335	2,471,728	55,685	10,408,904
Stanislaus	611,361	8,885,312	2,719,422	4,505,041	177,434	16,288,709
Sutter	794,983	4,595,623	837,632	1,908,300	49,090	7,450,560
Tehama	373,337	2,849,049	438,378	1,317,255	32,873	4,605,355
Tulare	296,528	1,968,762	472,010	1,130,897	611,813	4,078,485
Trinity	28,128	287,298	153,982	528,943	28,446	1,008,699
Tuare	330,263	1,400,983	762,281	2,125,365	39,324	4,828,523
Tuolumne	188,618	434,366	361,114	650,045	19,345	1,464,890
Yavapai	416,180	1,821,049	256,942	898,386	11,654	2,982,961
Yolo	521,758	5,637,557	1,001,273	2,431,377	154,703	9,254,910
Yuba	212,921	2,009,565	1,387,225	1,369,155	69,675	6,316,620
Totals	22,109,503	\$309,049,066	\$91,161,801	\$95,862,451	\$11,147,312	\$607,220,680

SCHEDULE E-2.

Summary statement of the reports of the Auditors of the several counties, in the year eighteen hundred and seventy five.

COUNTIES.	The number of acres of land.	The value of real estate.	The value of improvements on real estate.	The value of personal property exclusive of money.	The amount of money.	The total value of all property.
Alameda.....	424,881	\$25,481,467	\$6,085,586	\$4,138,372	\$3,028,277	\$39,338,702
Alpine.....	52,882	183,085	57,070	257,860	3,905	501,870
Anaador.....	141,887	977,188	766,810	789,787	23,158	2,568,943
Butte.....	594,886	5,980,123	1,358,972	2,705,960	89,431	10,085,476
Calaveras.....	183,781	482,089	447,545	788,978	18,382	1,716,941
Colusa.....	1,039,262	6,435,905	856,935	2,821,008	118,329	10,232,777
Contra Costa.....	449,524	4,714,203	776,640	1,817,320	33,465	7,347,133
Del Norte.....	44,981	238,455	183,535	280,800	11,809	7,689,060
El Dorado.....	183,639	683,144	742,585	1,031,922	69,275	2,548,926
Fresno.....	1,662,171	4,316,525	551,888	2,702,594	33,540	7,604,947
Humboldt.....	1,893,171	1,885,068	859,770	2,047,240	162,242	4,894,316
Kern.....	49,008	477,718	301,185	724,639	21,498	1,525,089
Kearney.....	911,368	2,093,385	882,839	2,040,022	47,849	4,978,178
Lake.....	121,870	1,023,124	460,137	629,886	21,766	2,140,923
Lassen.....	123,853	297,402	186,251	699,407	4,525	1,187,785
Los Angeles.....	1,114,108	7,748,044	9,577,705	4,553,568	140,301	15,079,613
Mariposa.....	317,686	5,089,513	1,027,016	1,198,585	470,528	7,870,712
Mariposa.....	173,235	534,860	315,870	561,371	18,120	1,425,221
Mendocino.....	699,368	2,844,647	977,091	2,736,318	105,499	6,168,556
Merced.....	1,040,810	4,178,610	508,325	1,806,086	41,652	6,581,678
Modoc.....	1,000,082	219,943	190,024	672,255	.....	1,062,222
Monterey.....	39,288	77,812	104,275	424,183	1,827	608,087
Monterey.....	776,504	6,101,345	848,189	2,315,173	70,636	9,995,492
Napa.....	848,311	4,896,914	1,377,200	1,510,205	23,645	8,006,964
Nevada.....	187,502	3,691,768	1,657,562	2,568,212	132,160	7,889,703
Placer.....	294,286	3,533,939	853,754	2,307,017	201,159	6,485,839
Plumas.....	117,708	588,978	547,975	579,880	19,048	1,785,861
Sacramento.....	684,676	8,160,200	5,160,835	5,845,995	988,570	19,515,609
San Bernardino.....	584,751	3,011,640	406,230	1,199,477	22,843	4,640,150
San Bernardino.....	525,476	1,095,674	236,179	840,059	20,080	2,251,922

San Diego.....	798,539	1,664,761	827,113	1,029,427	96,178	3,079,469
San Francisco.....	7,017	127,288,645	42,668,665	90,761,341	7,814,208	263,832,859
San Joaquin.....	858,030	12,043,174	2,749,821	5,871,732	281,769	20,696,296
San Luis Obispo.....	1,019,678	3,203,029	431,809	1,688,334	49,512	5,922,764
San Mateo.....	259,288	4,560,670	796,096	1,818,115	7,745	6,167,596
Santa Barbara.....	991,899	3,989,720	766,335	1,949,247	51,575	6,756,877
Santa Clara.....	547,589	19,316,113	4,875,269	5,061,022	108,817	29,862,221
Santa Cruz.....	233,064	4,176,300	1,240,509	2,003,904	48,528	7,469,241
Shasta.....	109,964	332,591	367,069	928,406	55,230	1,893,294
Sierra.....	24,848	975,125	501,375	690,385	67,790	2,234,678
Slackport.....	180,685	966,277	611,952	1,564,177	72,250	3,214,656
Solano.....	472,812	5,725,357	1,694,198	2,285,050	49,480	9,754,065
Sonoma.....	684,676	9,095,820	3,015,539	4,288,486	209,573	16,699,418
Stanislaus.....	730,564	4,767,545	686,805	1,936,260	44,860	7,435,470
Sutter.....	365,648	2,816,954	502,249	1,137,897	35,345	4,492,445
Tehama.....	499,835	1,425,615	997,434	924,737	625,777	3,878,565
Trinity.....	34,510	258,201	186,967	495,560	19,785	941,433
Tulare.....	899,287	2,183,453	821,528	2,042,826	72,515	5,118,533
Tuolumne.....	167,877	412,970	357,619	587,204	12,575	1,589,364
Ventura.....	486,894	1,955,982	317,498	854,446	38,398	3,165,694
Yolo.....	546,624	5,791,757	1,075,798	2,342,702	116,042	9,326,299
Yuba.....	217,586	2,683,225	1,319,415	1,496,004	65,085	4,913,729
Totals.....	28,424,778	\$321,476,557	\$98,442,454	\$188,038,772	\$15,011,777	\$617,964,560

SCHEDULE F.

Showing total value of real estate, total value of personal property, and total value of both, from Auditors' reports, in eighteen hundred and seventy-three and eighteen hundred and seventy-four.

COUNTIES.	1873.		1874.	
	Total real estate and improvements.	Total value of personal property.	Total value of all property.	Total value of all property.
Alameda.....	\$30,773,470	\$4,331,570	\$35,104,040	\$30,318,755
Alpine.....	252,485	823,701	576,186	249,220
Amador.....	1,989,485	779,235	2,768,720	1,695,840
Butte.....	6,031,585	1,711,959	7,743,544	6,324,368
Calaveras.....	843,860	714,847	1,558,707	836,642
Colusa.....	5,679,131	1,924,913	7,604,044	6,369,241
Contra Costa.....	5,663,175	1,352,936	7,016,111	5,806,504
Del Norte.....	401,345	231,435	632,780	377,090
El Dorado.....	1,261,541	865,835	2,127,376	1,522,435
Fresno.....	4,310,901	2,293,144	6,604,045	5,999,237
Humboldt.....	2,496,063	1,846,067	4,342,130	2,602,069
Imperial.....	541,311	845,040	1,386,351	797,753
Kern.....	1,660,580	1,352,730	3,013,310	1,933,796
Klamath.....	397,386	219,091	616,477	1,843,900
Lake.....	1,218,303	452,420	1,670,723	460,791
Lassen.....	378,031	835,290	1,213,321	7,996,777
Los Angeles.....	7,193,525	2,658,093	9,851,618	5,913,932
Mariposa.....	7,131,463	1,308,707	8,440,170	888,366
Mendocino.....	821,603	560,367	1,381,970	3,225,009
Merced.....	3,013,263	2,042,560	5,055,823	4,923,036
	4,813,934	1,524,028	6,337,962	
				1,920,274
				1,124,449
				12,080,366
				7,423,710
				1,372,329
				5,851,237
				6,972,123

Modoc.....	169,175	285,084	454,259	747,089
Mono.....	8,220,583	3,152,352	11,372,935	862,213
Monterey.....	6,345,383	1,235,405	7,580,789	2,473,404
Napa.....	5,653,516	1,485,934	7,139,450	2,076,866
Nevada.....	5,538,454	1,607,025	7,145,479	2,986,638
Placer.....	1,112,701	654,560	1,767,261	2,506,564
Plumas.....	15,546,501	5,365,736	20,912,237	508,567
Sacramento.....	980,873	430,776	1,411,649	10,448,550
San Benito.....	2,300,231	641,633	2,941,864	1,060,040
San Bernardino.....	169,053,818	44,154,717	213,208,535	1,615,938
San Diego.....	14,307,997	3,471,462	18,779,459	863,859
San Francisco.....	2,845,136	1,317,862	4,163,000	100,571,641
San Joaquin.....	8,430,310	949,372	9,379,682	5,842,113
San Luis Obispo.....	3,588,619	1,352,863	4,941,482	1,468,768
San Mateo.....	23,500,311	4,027,303	27,527,613	1,187,087
Santa Barbara.....	5,973,506	1,149,964	7,123,470	1,781,870
Santa Clara.....	903,549	885,878	1,789,427	7,769,351
Santa Cruz.....	1,507,190	509,599	2,016,789	2,067,699
Shasta.....	1,687,603	2,052,195	3,739,798	971,214
Siskiyou.....	8,053,436	1,854,559	9,908,045	848,722
Solano.....	13,101,376	3,611,718	16,713,094	1,646,171
Sonoma.....	3,201,344	1,421,520	4,622,864	2,527,413
Butter.....	3,201,713	976,295	4,178,008	4,882,475
Tehama.....	2,926,001	1,111,331	4,037,332	1,967,300
Trinity.....	372,524	319,405	691,929	1,350,128
Tulare.....	1,685,393	1,861,289	3,546,682	1,642,713
Voluntine.....	768,890	564,360	1,333,250	2,435,772
Ventura.....	2,000,319	682,222	2,682,541	2,527,413
Yolo.....	6,614,233	1,756,479	8,370,712	4,882,475
Yuba.....	3,316,935	1,569,805	4,886,740	1,967,300
				1,350,128
				1,642,713
				2,527,413
				4,882,475
				10,408,304
				10,288,709
				7,450,560
				4,692,555
				4,678,485
				1,003,669
				4,323,523
				3,004,236
				1,464,890
				2,982,981
				9,254,310
				5,315,620
Totals.....	\$409,086,236	\$118,117,746	\$527,203,982	\$207,009,763
				\$607,220,630

SCHEDULE F-2.

Showing the total value of real estate, total value of personal property, and total value of both, from Auditors' reports, in eighteen hundred and seventy-four and eighteen hundred and seventy-five.

COUNTIES.	1874.			1875.		
	Total value of real estate and improvements.	Total value of personal property.	Total value of all property.	Total value of real estate and improvements.	Total value of personal property.	Total value of all property.
Alameda.....	\$30,318,766	\$6,966,141	\$37,284,897	\$32,167,053	\$7,166,649	\$39,333,702
Alpine.....	249,220	603,840	853,060	240,105	261,765	501,870
Amador.....	1,695,840	841,365	2,537,205	1,743,998	824,945	2,568,943
Butte.....	6,324,388	2,738,276	9,062,659	7,290,095	2,795,381	10,085,476
Calaveras.....	836,642	846,524	1,683,166	899,584	817,357	1,716,941
Colusa.....	6,369,241	2,790,761	9,160,002	7,292,827	2,989,387	10,282,214
Contra Costa.....	5,606,504	2,025,764	7,632,268	5,490,843	1,856,285	7,347,128
Del Norte.....	377,090	310,820	687,910	386,990	302,100	689,090
El Dorado.....	1,322,485	1,072,463	2,394,948	1,407,729	1,141,197	2,548,926
Fresno.....	5,999,237	2,515,391	8,514,628	4,868,713	2,786,184	7,654,897
Humboldt.....	2,602,069	2,086,889	4,688,958	2,744,828	2,148,482	4,893,310
Inyo.....	797,758	1,197,977	1,995,735	776,878	746,152	1,523,030
Kern.....	1,933,798	1,632,001	3,565,799	2,884,804	2,087,571	4,972,375
Lake.....	1,343,900	576,374	1,920,273	1,489,321	651,602	2,140,923
Lassen.....	460,791	683,658	1,124,449	483,653	704,182	1,187,835
Los Angeles.....	7,996,777	4,083,589	12,080,366	10,325,749	4,698,864	15,024,613
Marin.....	5,913,952	1,508,758	7,422,710	6,096,529	1,574,183	7,670,712
Mariposa.....	888,368	533,963	1,372,329	850,790	574,491	1,425,281
Mendocino.....	3,225,009	2,626,248	5,851,257	3,321,738	2,841,817	6,163,555
Merced.....	4,929,036	2,043,090	6,972,126	4,681,865	1,849,738	6,531,603
Modoc.....	415,945	747,069	1,163,014	409,967	672,255	1,082,222
Mono.....	190,045	362,213	552,258	182,087	426,010	608,097
Monterey.....	7,025,254	2,473,404	9,498,658	7,009,594	2,385,806	9,395,402
Napa.....	6,894,992	2,076,366	8,971,358	6,473,114	1,583,850	8,056,964
Nevada.....	5,747,400	2,966,653	8,714,053	5,249,389	2,640,372	7,889,762
Placer.....	4,338,331	2,566,564	6,904,895	4,387,753	2,696,176	7,083,929
Plumas.....	918,389	608,567	1,526,956	1,196,968	699,028	1,895,996
Sacramento.....	13,199,895	10,448,560	23,648,455	13,301,035	6,214,565	19,515,600
San Benito.....	3,422,057	1,060,040	4,502,097	3,417,830	1,222,820	4,640,650
San Bernardino.....	1,092,408	815,938	1,908,346	1,391,853	860,069	2,251,922
San Diego.....	2,220,741	888,859	3,109,600	1,991,864	1,087,605	3,079,469
San Francisco.....	160,507,453	100,571,641	261,079,094	169,957,310	96,575,549	266,532,859
San Joaquin.....	14,564,008	5,842,113	20,406,121	14,792,795	5,903,501	20,696,296
San Luis Obispo.....	3,037,716	1,488,768	4,526,474	3,634,988	1,687,846	5,322,834
San Mateo.....	5,550,256	1,187,087	6,737,343	5,246,786	820,860	6,067,646
Santa Barbara.....	4,188,758	1,781,870	5,970,628	4,786,055	2,000,822	6,786,877
Santa Clara.....	23,929,695	7,769,351	31,699,046	24,191,392	5,170,839	29,362,231
Santa Cruz.....	5,229,895	2,067,699	7,297,594	5,416,309	2,032,432	7,448,741
Shasta.....	947,233	971,214	1,918,447	949,660	988,636	1,938,296
Sierra.....	1,499,235	843,732	2,342,967	1,476,500	788,175	2,264,675
Siskiyou.....	1,358,065	1,046,171	2,404,236	1,578,229	1,666,427	3,244,656
Solano.....	7,861,361	2,627,413	10,488,774	7,419,555	2,894,530	10,314,085
Sonoma.....	11,006,334	4,682,475	15,688,809	12,111,359	4,498,059	16,609,418
Stanislaus.....	6,463,260	1,957,800	8,421,060	5,454,350	1,981,120	7,435,470
Sutter.....	3,342,427	1,350,128	4,692,555	3,319,298	1,173,242	4,492,540
Tehama.....	2,436,772	1,042,713	3,479,485	2,423,051	1,450,514	3,873,565
Trinity.....	446,230	557,397	1,003,627	426,168	515,365	941,533
Tulare.....	2,463,264	2,165,259	4,628,523	3,002,981	2,115,341	5,118,322
Tuolumne.....	795,500	669,390	1,464,890	770,585	609,779	1,380,364
Ventura.....	2,077,991	604,900	2,682,891	2,272,855	892,839	3,165,694
Yolo.....	6,663,830	2,686,060	9,349,890	6,867,555	2,458,744	9,326,299
Yuba.....	3,396,790	1,918,880	5,315,670	3,352,640	1,561,089	4,913,729
Totals.....	\$400,210,367	\$207,009,763	\$607,220,130	\$419,919,011	\$198,045,549	\$617,964,560

SCHEDULE G.

Showing assessed values of mining claims, and improvements thereon, telegraph lines, railroads, mining ditches, irrigating ditches, and possessory claims, in eighteen hundred and seventy-four.

COUNTIES.	Mining claims.	Improvements on the same.	No. of miles of telegraph.	Value.	No. of miles of railroad.	Value.
Alameda.....			45	\$8,445	34	\$198,680
Alpine.....						
Amador.....	\$503,780	\$194,310		900		
Butte.....	389,870	273,400	115	5,750	58	489,080
Calaveras.....	102,940	110,955	50	900		5,940
Colusa.....			22	2,150	11	78,980
Contra Costa.....	225,120	10,000	45	1,250		
Del Norte.....	4,400	1,350			3	1,600
El Dorado.....					19	75,000
Essex.....	68,070		60	2,400	61	335,830
Fresno.....				5,000		
Humboldt.....	114,130	20,800				
Kern.....	6,225	14,790	70	1,750	1 1/2	7,500
Klamath.....	188,680	17,905				
Lake.....	66,200	24,850				
Lassen.....	500	2,500	160	2,400	77	457,355
Los Angeles.....	1,000	8,100				
Marin.....	135,360	60,100	10	400		
Mariposa.....			36	1,337	36	204,000
Mendocino.....						
Merced.....	13,855	39,835				
Mono.....			46	1,500	49	623,750
Monterey.....				700		252,370
Napa.....	71,700	77,200				

Nevada.....	2,102,145	408,540	100	9,082	30	358,863
Placer.....	438,225	123,555	73	25,425	112	1,401,135
Plumas.....						
Sacramento.....	2,400	250	60	6,000	63	765,750
San Benito.....	3,000	1,400	25	1,875	17	733,125
San Bernardino.....	4,000		32	1,280		
San Diego.....	10,500	2,200		1,200		
San Francisco.....			6	12,806	22	216,250
San Joaquin.....			143	9,105	82	1,119,510
San Luis Obispo.....						
San Mateo.....			50	10,725	25	250,000
Santa Barbara.....			16	800		
Santa Clara.....		156,480	60	5,000		785,800
Santa Cruz.....	170,510		20	800	10	13,250
Shasta.....	16,945	3,570	50	1,000	18	112,800
Sierra.....	736,243	220,475	25	500	2 1/2	15,000
Siskiyou.....	75,000	25,000	70	3,000		
Solano.....	100,000	5,000	47	4,400	41	237,000
Sonoma.....		4,000		2,250	56	580,245
Stanislaus.....	100		22	1,131		
Sutter.....			42	1,200	34	140,000
Tahama.....				2,000		
Tehama.....	47,525	45,445	60	1,000	52	
Tulare.....						
Tuolumne.....	94,830	75,010				
Ventura.....			45	1,375	31	217,000
Yolo.....			32	1,490	28	149,460
Yuba.....	219,150	35,650	40	1,450		
Totals.....	\$.....	\$.....		\$.....		\$.....

SCHEDULE G—Continued.

COUNTIES.	MINING DITCHES.		IRRIGATING DITCHES.		POSSESSORY CLAIMS.	
	Miles.	Value.	Miles.	Value.	Number.	Value.
Alameda.....			2	\$4,000		
Alpine.....				2,170		
Amador.....	350	\$61,080				
Butte.....	230	252,754				
Calaveras.....	480	87,512				
Colusa.....						
Contra Costa.....						
Del Norte.....	58	21,500	6	900	55	\$96,274 8,880
El Dorado.....						
Fresno.....				53,050	505	85,700
Humboldt.....						
Inyo.....		55,000				
Kern.....	3	580	10	4,561		
Klamath.....		17,470				
Lake.....	5	750	4	210		
Lassen.....	21	4,000	17	1,700	288	85,580
Los Angeles.....				2,000	218	55,020
Marin.....						
Mariposa.....	135	6,410				
Mendocino.....						
Merced.....				8,500		
Modoc.....						
Monoc.....	7	550				
Monterey.....						
Napa.....						
Nevada.....	850	802,500				
Placer.....	197	332,894		300		
Plumas.....						
Sacramento.....	77	50,575				
San Benito.....						

San Bernardino.....		1,500		10,000		
San Diego.....						
San Francisco.....						
San Joaquin.....						
San Luis Obispo.....						
San Mateo.....						
Santa Barbara.....						
Santa Clara.....						
Santa Cruz.....						
Shasta.....	345	28,865	62	2,450	280	42,221
Sierra.....						
Sikeyou.....	457	25,000	370	25,000	60	60,000
Solano.....						
Sonoma.....						
Stanislaus.....	10	14,500				
Sutter.....						
Tehama.....	460	111,649				
Trinity.....						
Tulare.....		97,175				
Tuolumne.....						
Ventura.....			28	19,000		
Yolo.....			11	8,000		
Yuba.....				30,850	280	71,250
Totals.....						

SCHEDULE G-2.

Showing assessed values of mining claims, and improvements thereon, telegraph lines, railroads, mining ditches, irrigating ditches, and possessory claims, in eighteen hundred and seventy-five.

COUNTIES.	Mining claims.	Improvements on the same.	No. of miles of telegraph.	Value.	No. of miles of railroad.	Value.
Alameda.....	Alameda Township..... Brooklyn Township..... Eden Township..... Murray Township..... Oakland..... Washington Township.....	..... ..... ..... ..... ..... .....	8 27 15 23	\$625 3,000 1,575	8 27 11 17	\$50,400 58,500 102,000 159,609
Alpine.....	\$20,000	\$5,000	.....	900	.....	899,000
Amador.....	458,298	202,080	115	5,750	58	6,940
Butte.....	481,320	21,460	50	900	.....	78,380
Calaveras.....	118,785	110,175	45	1,250	11	1,300
Colusa.....	215,030	9,900	38	1,500	18	83,750
Contra Costa.....	8,700	1,175	60	2,000	61	83,330
Del Norte.....	56,000	50,000	90	2,500	3	4,000
El Dorado.....	6,925	4,020	.....	2,640	57	870,500
Fresno.....	177,187	20,870	180	2,145	.....	539,000
Humboldt.....	5,980	61,820	123	9,450	36	220,500
Inyo.....	.....	2,785	.....	400	.....	.....
Kern.....	670	2,800	.....	1,837	.....	.....
Lake.....	1,000	118,500	.....	.....	.....	.....
Lassen.....	204,515	800	.....	.....	.....	.....
Los Angeles.....	15,000	.....	.....	.....	.....	.....
Marin.....	400,000	.....	.....	.....	.....	.....
Mariposa.....	.....	.....	.....	.....	.....	.....
Mendocino.....	.....	.....	.....	.....	.....	.....
Merced.....	.....	.....	.....	.....	.....	.....

Modoc.....	14,000	42,000	140	8,500	68	498,650
Mono.....	81,775	100,500	51	850	41	239,370
Monterey.....	1,394,335	437,815	100	2,982	30	353,368
Napa.....	27,865	33,465	36	7,400	36	859,000
Nevada.....	173,235	60,725	70	14,400	76	912,000
Placer.....	230,550	62,240	.....	.....	.....	.....
Plumas.....	426,332	89,350	.....	.....	.....	.....
Sacramento.....	2,200	.....	70	6,900	68	749,750
San Benito.....	29,300	18,000	25	1,875	17	146,500
San Bernardino.....	10,000	2,000	32	1,200	20	90,000
San Diego.....	4,600	4,000	6	1,200	10	294,000
San Francisco.....	.....	.....	121	7,675	92	1,114,010
San Joaquin.....	6,000	.....	50	10,725	25	175,000
San Luis Obispo.....	7,500	158,480	90	3,600	66	753,500
San Mateo.....	176,710	4,675	60	5,000	12	45,750
Santa Clara.....	22,655	193,250	20	800	18	157,400
Santa Cruz.....	575,350	25,000	50	1,000	2	17,200
Shasta.....	30,000	97,000	47	3,000	50	830,250
Sierra.....	121,925	.....	22	4,700	66	892,000
Siskiyou.....	50	.....	40	1,130	33	259,470
Solano.....	52,047	39,674	.....	1,200	34	140,000
Sonoma.....	77,030	58,010	.....	2,000	40	364,880
Stanislaus.....	1,000	2,500	83	1,375	.....	.....
Sutter.....	262,300	36,300	.....	1,900	33	231,000
Tehama.....	.....	.....	.....	1,000	.....	149,460
Trinity.....	.....	.....	.....	.....	.....	.....
Tulare.....	.....	.....	.....	.....	.....	.....
Tuolumne.....	.....	.....	.....	.....	.....	.....
Ventura.....	.....	.....	.....	.....	.....	.....
Yolo.....	.....	.....	.....	.....	.....	.....
Yuba.....	.....	.....	.....	.....	.....	.....
Totals.....	.....	.....	.....	.....	.....	.....

SCHEDULE G—Continued.

COUNTIES.	MINING DITCHES.		IRRIGATING DITCHES.		POSSESSORY CLAIMS.	
	Miles.	Value.	Miles.	Value.	Number.	Value.
Alameda.						
Alameda Township.....						
Brooklyn Township.....						
Eden Township.....						
Murray Township.....						
Oakland Township.....						
Washington Township.....						
Alpine.						
Amador.....		\$114,450	4			
Butte.....	330	282,150	125	\$1,030		\$56,300
Calaveras.....	510	94,155		6,250	61	11,715
Colusa.....						
Contra Costa.....						
Del Norte.....	40	21,800	26	21,800	512	90,320
El Dorado.....						
Fresno.....		3,900				
Humboldt.....		25,100				
Layo.....	5	1,000	50	23,250		
Kern.....		800	4	1,650	246	86,345
Lake.....	21	4,000	17	2,000	205	53,300
Lassen.....						
Los Angeles.....						
Marin.....						
Mariposa.....		5,840				
Mendocino.....						
Merced.....						
Modoc.....						
Mono.....	7	550				
Monterey.....						
Napa.....					265	

Nevada.						
District No. 1.....	360	980,805	12	15,000	100	
District No. 2.....	40	23,700				
District No. 3.....	252	215,350				
Placer.....	450	109,300				
Plumas.....		174,747				
Sacramento.....		45,000				
San Benito.....		2,000				
San Bernardino.....	12					
San Diego.....						
San Francisco.....						
San Joaquin.....						
San Luis Obispo.....						
San Mateo.....					163	3,065
Santa Barbara.....						
Santa Clara.....						
Santa Cruz.....						
Sierra.....	62	41,980			98	38,361
Shasta.....	407	161,525			300	
Siakiyou.....		25,000	370	25,000	120	60,000
Solano.....		280				
Sonoma.....	10	24,600				
Stanislaus.....	1	400				
Sutter.....						
Tehama.....						
Trinity.....	380	107,915				
Tulare.....			60	600	52	28,125
Tuolumne.....		82,795	4	8,000	80	16,000
Ventura.....						
Yolo.....						
Yuba.....		80,200				
Totals.....						

SCHEDULE H.

Comparative table, showing the assessed and equalized values, in the years eighteen hundred and seventy-four and seventy-five, from the Assessors' and Auditors' reports.

COUNTIES.	Assessed value in 1874.	Equalized value in 1874.	Assessed value in 1875.	Equalized value in 1875.
Alameda.....	\$86,056,798	\$87,284,897	\$48,547,946	\$89,886,792
Alpine.....	875,713	953,090	499,004	501,870
Amador.....	2,554,555	2,537,205	2,563,176	2,568,943
Butte.....	8,899,998	9,062,659	10,069,898	10,065,478
Calaveras.....	1,656,331	1,683,166	1,713,308	1,716,941
Colusa.....	9,139,847	9,160,002	10,198,533	10,232,777
Contra Costa.....	7,665,955	7,662,288	7,836,987	7,847,138
Del Norte.....	697,566	687,910	684,635	689,090
El Dorado.....	2,404,622	2,394,948	2,404,693	2,549,847
Fresno.....	7,514,630	7,514,638	7,409,075	7,664,847
Humboldt.....	4,398,997	4,688,968	4,867,708	4,694,310
Kings.....	1,471,217	1,569,790	1,523,000	1,525,030
Kern.....	3,648,723	3,635,797	5,029,900	4,973,175
Lake.....	1,919,110	1,920,274	2,123,336	2,146,933
Lassen.....	1,165,274	1,124,449	1,177,295	1,187,785
Los Angeles.....	12,322,522	12,060,866	15,152,367	15,019,613
Marin.....	7,408,458	7,423,710	7,636,247	7,670,712
Mariposa.....	1,363,101	1,372,329	1,421,845	1,425,221
Mendocino.....	5,424,012	5,851,251	6,913,890	6,163,555
Merced.....	6,897,873	6,972,126	6,825,704	6,831,673
Modoc.....	553,848	552,364	1,162,122	1,082,232
Monterey.....	9,550,615	9,498,658	10,654,836	9,395,402
Napa.....	8,490,795	8,471,378	8,917,210	8,906,964
Nevada.....	8,666,240	8,664,068	7,833,354	7,889,792
Piute.....	6,781,980	6,844,895	6,899,078	6,895,929
Plumas.....	1,477,981	1,421,906	1,868,786	1,735,961
Sacramento.....	23,708,990	23,648,445	22,598,385	19,515,800
San Benito.....	4,507,517	4,502,097	4,674,003	4,640,150
San Bernardino.....	1,670,191	1,708,346	2,210,785	2,251,922
San Diego.....	3,063,558	3,104,600	3,085,828	3,079,469
San Francisco.....	267,872,646	261,078,094	319,311,433	298,532,559
San Joaquin.....	20,496,909	20,426,121	20,704,539	20,696,236
San Luis Obispo.....	4,455,878	4,526,474	5,322,775	5,322,784
San Mateo.....	8,636,605	8,737,343	8,276,000	8,167,596
Santa Barbara.....	6,014,210	5,970,623	6,623,960	6,750,577
Santa Clara.....	31,139,468	31,698,946	31,980,767	29,362,221
Santa Cruz.....	7,264,700	7,297,094	7,467,376	7,469,241
Shasta.....	1,375,836	1,318,447	1,880,822	1,933,266
Sierra.....	2,195,317	2,238,007	2,250,092	2,234,675
Sierraville.....	2,866,232	3,004,236	3,051,030	3,214,556
Solano.....	10,408,804	10,408,804	9,754,085	9,754,085
Sonoma.....	16,700,925	16,288,709	15,308,279	16,609,418
Stanislaus.....	7,452,416	7,450,560	7,546,999	7,435,470
Sutter.....	4,654,208	4,695,555	4,492,120	4,492,445
Tehama.....	4,055,856	4,078,455	3,745,898	3,873,565
Trinity.....	1,003,669	1,003,669	941,114	941,533
Tulare.....	4,236,231	4,328,523	5,102,092	5,118,322
Tuolumne.....	1,283,235	1,464,890	1,373,791	1,380,364
Ventura.....	2,891,142	2,982,981	3,076,956	3,165,694
Yuba.....	9,024,959	9,254,910	8,628,097	9,326,239
Totals.....	\$612,193,222	\$607,220,630	\$678,736,988	\$617,964,560

SCHEDULE I.

Showing the total value of State and county tax, for the years eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, and eighteen hundred and seventy-five, upon each one hundred dollars value of property, as equalized for taxation.

COUNTIES.	Total rate of tax, 1871.	Total rate of tax, 1872.	Total rate of tax, 1873.	Total rate of tax, 1874.	Total rate of tax, 1875.
Alameda.....	\$2 21 1-2	\$1 00	\$1 17	\$1 15	{ \$1 05
Alpine.....	3 26 1-2	3 00	3 00	3 00	{ 1 30
Amador.....	2 91 1-2	2 35	2 65	2 90	{ 2 95
Butte.....	2 70	2 20	2 65	2 90	2 60
Calaveras.....	4 60	3 50	3 80	3 80	1 75
Colusa.....	2 15 1-2	1 60	1 70	1 60	3 10
Contra Costa.....	2 70	1 50	1 70	1 80	1 60
Del Norte.....	2 70 1-2	2 00	2 00	2 50	1 72
El Dorado.....	2 85	2 60	2 55	2 29 9-10	2 00
Fresno.....	2 11 1-2	1 25	1 25	1 48	1 65 1-2
Humboldt.....	2 54 1-2	1 97	1 90	2 17	1 35
Inyo.....	3 00	2 50	3 00	3 00	3 20
Kern.....	2 23	1 77	3 00	3 00	3 00
Klamath.....	3 30	2 65	1 90	2 40 9-10	2 86 1-2
Lake.....	.....	1 59	2 65	.....	.....
Lassen.....	2 70	2 00	1 66	2 17 9-10	2 10
Los Angeles.....	2 75	1 90	2 00	2 25	2 50
Marin.....	2 57	1 12	2 05	2 10 2-3	1 98
Maliposa.....	3 00	2 80	1 87	1 46	1 40
Mendocino.....	2 91	1 62	2 75	2 85	2 85
Merced.....	2 03 1-2	1 62	1 62	2 00	1 85
Modoc.....	.....	1 17	1 40	1 85	1 68
Mono.....	2 40	2 40	2 25	2 00	2 00 *

In Oakland.
Outside of Oakland.

Monterey.....	2 62	1 17	1 50	1 66	1 85 1-2
Napa.....	3 10	1 80	1 94	1 97	2 00
Nevada.....	2 10	1 60	1 90	1 80	1 70
Placer.....	1 85	1 35	1 05	50	1 30
Plumas.....	2 90	2 50	3 00	3 00	*
Sacramento.....	2 47	1 23	1 90	1 45	1 30
San Benito.....	.....	.....	.....	1 40	*
San Bernardino.....	2 81 1-2	1 95	2 50	2 25	2 40
San Diego.....	2 96 1-2	2 50	2 00	2 65	2 60 1-2
San Francisco.....	2 97	1 50	1 60	2 09 9-10	1 60 1-2
San Joaquin.....	2 21	1 05	1 25	1 40	1 25
San Luis Obispo.....	2 40	1 75	1 70	1 65	1 50
San Mateo.....	1 92	92	1 05	2 43	1 75
Santa Barbara.....	2 06 1-2	1 25	1 40	1 68	1 68
Santa Clara.....	2 46 1-2	1 20	1 20	1 40 9-10	*
Santa Cruz.....	2 87 1-2	1 37 1-2	1 37 1-2	1 65	1 45
Shasta.....	2 85	2 25	2 20	1 50	2 80
Sierra.....	2 28 1-2	1 60	2 45 1-2	2 55	2 38
Siakiyou.....	2 88	1 60	1 75	2 80	2 35 1-2
Solano.....	2 40	1 30	1 93	2 30	2 05
Sonoma.....	1 86 1-2	1 50	1 25	1 58	1 50
Stanislaus.....	1 90 1-2	1 50	1 61	1 65	1 40
Sutter.....	2 38 1-2	2 25	2 40	1 95	1 52
Tehama.....	2 72 1-2	2 60	2 70	2 00	1 95
Trinity.....	2 06 1-2	1 90	2 70	2 70	2 70
Tulare.....	4 30	3 70	2 00	2 62	1 66
Tuolumne.....	.....	.....	2 40	2 50	2 50
Ventura.....	2 21	1 50	1 55	1 64 9-10	1 70
Yolo.....	2 50	2 00	2 41 3-10	1 61 1-5	1 60
Yuba.....	.....	.....	.....	2 60	2 30

* Not reported.

NOTE.—The State tax included in above is 86½ cents in 1871, 50 cents in 1872, 50 cents in 1873, 64 9 10 cents in 1874, and 60½ cents in 1875.

SCHEDULE J.

Showing the solvent debts assessed in the several counties, in eighteen hundred and seventy-two, eighteen hundred and seventy-four, and eighteen hundred and seventy-five.

COUNTIES.	1872.	1874.	1875.
Alameda { Alameda Township..... Brooklyn Township..... Eden Township..... Murray Township..... Oakland Township..... Washington Township.....	\$2,573,755	\$2,865,612	\$29,150 123,683 186,000 70,000 3,917,633 82,850 84,887 176,400 752,895 111,216 918,780 632,500 90,550 250,900 153,333 731,180 65,836 166,964 165,516 85,186 1,819,614 418,628 49,745 798,212 415,344 66,779 109,125 363,320 1,078,880
Alpine.....	54,261	87,959	
Amador.....	179,780	165,850	
Butte.....	150,000	666,945	
Calaveras.....	73,457	149,824	
Colusa.....	711,554	949,576	
Contra Costa.....	544,674	719,864	
Del Norte.....	80,450	81,200	
El Dorado.....	180,262	211,303	
Presno.....	151,921	168,956	
Humboldt.....	694,985	683,845	
Inyo.....	43,937	90,495	
Kern.....	20,000	86,956	
Lake.....	100,025	119,244	
Lassen.....	5,100	73,400	
Los Angeles.....	766,113	1,278,362	
Marin.....	546,253	442,985	
Mariposa.....	91,552	36,411	
Mendocino.....	98,972	766,594	
Merced.....	418,688	350,082	
Mono.....	49,415	44,474	
Monterey.....	610,610	217,357	
Napa.....	824,110	807,755	

Nevada.....	1,149,050	1,318,681	1,062,805
Placer..... { District No. 1..... District No. 2..... District No. 3.....	718,899	659,986	113,100 509,337 192,585
Pumas.....	176,041	97,989	113,534
San Benito.....	5,812,123	5,564,250	3,265,805
San Bernardino.....	120,794	102,600	205,358
San Francisco.....	135,882	117,137	77,400
San Joaquin.....	68,603,424	62,054,419	63,470,192
San Luis Obispo.....	1,699,798	2,349,446	2,306,806
San Mateo.....	190,898	254,501	279,458
Santa Barbara.....	415,555	73,165	100,470
Santa Clara.....	409,000	481,221	3,450,708
Santa Cruz.....	2,137,685	2,328,185	800,882
Shasta.....	765,288	902,169	166,134
Sierra.....	144,379	166,482	196,111
Siskiyou.....	346,474	262,650	483,947
Solano.....	280,000	425,500	395,144
Sonoma.....	968,496	594,012	1,493,061
Stanislaus.....	1,662,188	1,594,026	477,779
Sutter.....	188,085	449,510	286,337
Tehama.....	239,698	318,362	436,062
Trinity.....	723,074	879,831	197,015
Tulare.....	180,991	239,146	451,891
Tuolumne.....	272,624	354,960	90,650
Ventura.....	113,900	120,380	201,999
Yolo.....	764,626	244,158	841,460
Yuba.....	771,845	440,290	362,860
Totals.....	\$98,063,531	\$94,884,705	\$98,040,437

NOTE.—No solvent debts assessed in eighteen hundred and seventy-three.

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EXPENDITURES.

From November 1st, 1873, to November 12th, 1875.	Amounts expended.	Amounts received.
Balance on hand November 1st, 1873:		
Office contingent Fund.....		\$143 90
Traveling Expense Fund.....		1,013 00
Received from Traveling Expense Fund.....		4,000 00
Received from Office Contingent Fund.....		1,150 00
Traveling expenses of J. J. Green.....	\$991 50	
Traveling expenses of Smith Brown.....	939 50	
Traveling expenses of A. P. Catlin.....	1,230 00	
Traveling expenses of J. G. Eastman.....	852 00	
For postage, telegraphing, express charges, and other contingent expenses of office.....	744 70	
Cash in hands of Treasurer of Board:		
Contingent Fund of office.....	549 20	
Traveling Expense Fund.....	1,000 00	
Totals.....	\$6,306 90	\$6,306 90

(o)

REPORT

OF THE

ATTORNEY GENERAL

FOR

THE YEARS 1874 AND 1875.

1—(20)

G. H. SPRINGER.....STATE PRINTER.

REPORT.

OFFICE OF THE ATTORNEY GENERAL
OF THE STATE OF CALIFORNIA. }

To His Excellency,
ROMUALDO PACHECO,
Governor:

SIR: I submit this, my biennial report:

LITIGATION.

The litigation of the State, with the exception of that in regard to the collection of its taxes, has been remarkably successful. The criminal business in the appellate Court has decreased, while the population has increased. All capital cases are appealed, but none have been reversed. No really important case has been lost; some of great import to the commonwealth have been gained. Of the criminal offenders who were the representatives of crimes the most dangerous to our civilization and progress, Vasquez and Marks have met the punishment their deeds deserved. The law has not yet become the terror to evil-doers that ought to be, but a close following of these victories over sickness, sentiment on the one hand, and the corrupt use of ill-gotten gains on the other, will sooner or later bring our people within the protection of the laws they have, and make life, liberty, and the pursuit of happiness reality and not a name.

LAWS.

Crime decreases as countries grow older, because punishment becomes more certain. Our laws are good enough, but there is no certainty about the punishment; and it is to this I wish particularly to call your attention. Crime is not punished as often as it ought to be; more of the guilty escape than are convicted. The administration of criminal justice is absolutely and unqualifiedly corrupt in almost every count in this State. The corruption generally lies with trial and grand jurors. Bribing jurors should be made dangerous to all who participate in it.

The law in regard to the testimony of accomplices, in my opinion ought to be repealed. It is nonsense as it reads now. The common law on the subject obtains still in England, and in most of the States of the United States. It is perfectly fair as between the criminal and the

State, and is in strict accord with the principle which we profess, of letting every one speak as a witness.

In my last report I called attention to the subject of "concealed weapons." The Legislature refused to pass a bill prohibiting the practice of carrying them. Rev. Henry W. Bellows, when sojourning here, said: "The most remarkable thing about this coast was that the town was more moral than the country. San Francisco and Oakland have municipal ordinances against carrying concealed weapons. The State allows it." I quote from my former report: "From my experience with the criminal business of the State, I know that the license to carry concealed arms leads to bloodshed and murder, and seldom to self-protection. A government which tolerates the carrying of concealed weapons is weak—a community which countenances it is vicious."

REPRESENTATION.

I desire to submit, a second time, to the attention of your Excellency and the Legislature, the subject of "minority representation." "I do not counsel its adoption all at once as to every department of the body politic, although it has never been tried and abandoned by any constituency who have taken it up, as is instanced in England, on the Continent, and in America. It will do more to correct the evil of aggregated capital—of monopoly power, that so much disturbs the people now—than any one instrumentality I can think of. I suggest that its principles first be applied to corporations, in the election of Directors. Under its influence, by its terms, unprincipled men would be unable to manage any of our moneyed corporations in a selfish interest; each stockholder would have a voice, instead of that bane of development to the resources of our coast, 'the controlling interest,' having everything. Minority representation, applied to corporate bodies, means the impossibility of successfully operating a credit mobilier, or a Contract and Finance Company, in the interest of a few at the expense of the many."

CONSTITUTIONAL AMENDMENTS.

The people have failed to vote for a Constitutional Convention. It is apparent, therefore, if any change is to be made in our organic law, it is by amendment. The collection of the revenue of this State must be reorganized, before anything like equal taxation is possible. We are further to-day from uniform and equal taxation than ever we were. The Central Pacific Railroad does not pay any taxes, and the sovereign State of California has not the power to collect any under its present Constitution and laws. At the date of my last report, they were delinquent to the State fifty-three thousand three hundred and sixty-eight dollars and fifty-five cents, and they are delinquent to-day for that sum, and all that has accrued in the last two years. San Francisco capital does not pay its share of the public burdens by half a million a year. Taxation never can be made exactly even, but it can come nearer than this. The poor and the rich are now paying the taxes of the very rich.

PARDONS.

The pardoning power, as it is now vested, is too great a responsibility to place on any one man. It ought to be distributed. A commission of State officers would be much more apt to arrive at correct conclusions

as to who of the State criminals were entitled to clemency. To put a citizen's life or liberty into one man's hands is a relic of despotism—it is not republican justice either to the man or the State.

TAX LITIGATION.

The collection of delinquent taxes by process of law has been disastrous to the State. No one has paid, except those who have been frightened into it, and those who were obliged to as a condition of sale when they transferred their property. This branch of the legal business of the State was, by the last Legislature, placed entirely in the hands of the Controller and attorneys to be appointed by him. Since my last report, there has been paid to the Controller's attorneys some twelve thousand dollars. The law of the last session, which authorizes the Controller to collect the delinquent taxes, gives to his attorneys a percentage, which I estimate at one hundred thousand dollars, if the law is successful at all. I would suggest that this penalty be turned into the State Treasury—the sufferer by the delay in payment of taxes—and that all legal business be turned over to the Attorney General where it belongs; or, if the Controller must have private counsel create the office and attach a salary to it. No final determination of the tax suits superintended by the Controller has yet been had.

DISBURSEMENTS.

The disbursements in this office, with the exception of one year when a fee of five thousand dollars was paid to the Hon. Jos. P. Hoge as counsel in the tax cases, have never reached the amount appropriated and in no instance has there been a deficiency. The Controller, in his report, at page eighteen, says the item of nine thousand dollars paid by him for counsel fees properly appears under the head of "Costs and expenses of suit where the State is a party—deficiency." The Controller is mistaken; it does not belong there. There is no deficiency in my department, and never has been. This deficiency occurred in the office of the Controller, and should have appeared under the head of the fund under his control known as the fund for the "Prosecution of delinquents—deficiency."

The following are the amounts expended by me in each fiscal year leaving out Mr. Hoge's fee in the twenty-fifth fiscal year, to which I have already referred:

Twenty-fifth fiscal year.....	\$878 59
Twenty-sixth fiscal year.....	2,940 93

I respectfully submit this, my report, and remain,

Your Excellency's obedient servant,

JOHN L. LOVE,
Attorney General of the State of California.

TRANSCRIPT OF DOCKET.

COPY OF ATTORNEY

For the years eighteen hundred and seventy-

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Peter Stanley, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Robbery.
The People, etc., Respondents, v. D. C. Leonard, Appellant.	County Court, Butte County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Ah You, Appellant.	Second District Court, Butte County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. F. A. Brown, Appellant.	County Court, Humboldt County.	Criminal action.	By indictment—Assault to rape.

GENERAL'S DOCKET.

four and eighteen hundred and seventy-five.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
May 2, 1873—Indictment filed. May 23, 1873—Verdict, guilty of assault to rob. May 31, 1873—Sentence, State Prison, fourteen years. July 5, 1873—Notice of appeal filed.	July 16, 1873—Transcript filed. Oct. 14—Argued and submitted. Oct. 22—Respondents' brief filed. Dec. 8—Judgment reversed and new trial granted. Jan. 2, 1874—Petition for rehearing filed. Feb. 11—Rehearing denied.	March 19, 1874—Remittitur issued.	
May 24, 1872—Indictment filed. July 24, 1872—Verdict, guilty. July 29, 1872—Sentence, State Prison, five years. July 14, 1873—Notice of appeal filed.	July 18, 1873—Transcript filed. Oct. 14, 1873—Judgment affirmed.	Nov. 10, 1873—Remittitur issued.	
March 6, 1873—Indictment filed. April 17, 1873—Verdict, murder in second degree. May 1, 1873—Sentence, State Prison, ten years. July 16—Notice of appeal filed.	July 24, 1873—Transcript filed. Oct. 22—Appellant's brief filed. Dec. 8—Judgment reversed and new trial granted.	Jan. 3, 1874—Remittitur issued.	
May 6, 1873—Indictment filed. May 16—Verdict, guilty. June 9—Sentence, State Prison, one year and six months. June 20—Notice of appeal filed.	Aug. 16, 1873—Transcript filed. Oct. 6—Appellant's brief filed. Oct. 20—Respondents' brief filed. Dec. 8—Judgment affirmed. Jan. 16, 1874—Rehearing granted. Jan. 31—Judgment reversed and new trial granted.	Feb. 25, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. James Johnson, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Burglary.
The People, etc., Respondents, v. Frank Smith, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—house-breaking in the daytime after previous conviction of felony.
The People, etc., Respondents, v. Joseph Fagan, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Assault to rob.
The People, etc., Respondents, v. James Hamilton, Appellant.	County Court, Solano County.	Criminal action.	By indictment—Rape.
The People, etc., Respondents, v. John J. Kelly, Appellant.	County Court, Solano County.	Criminal action.	By indictment—Grand larceny.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Dec. 5, 1872—Indictment filed. April 9—Verdict, guilty. April 18, 1873—Sentence, State Prison, seven years. Sept. 2, 1873—Notice of appeal filed.	Sept. 23, 1873—Transcript filed. Nov. 6—Appellant's brief filed. Nov. 11—Respondents' brief filed. Nov. 19—Appellant's reply filed. Dec. 2, 1873—Judgment affirmed.	Dec. 29, 1873—Remittitur issued.	
March 24, 1873—Indictment filed. April 23—Verdict, guilty. May 2—Sentence, State Prison five years. September 12, 1873—Notice of appeal filed.	April 23, 1873—Transcript filed. November 8, 1873—Appellant's brief filed. December 13—Respondents' brief filed. February 11, 1874—Judgment affirmed; remittitur forthwith.	February 12, 1874—Remittitur issued.	
March 24, 1873—Indictment filed. May 13, 1873—Verdict, guilty. June 2—Sentence, State Prison three years. September 23, 1873—Notice of appeal filed.	October 1, 1873—Transcript filed. December 2—Appellant's brief filed. December 13—Respondents' brief filed. Feb. 6, 1874—Judgment affirmed.	March 4, 1874—Remittitur issued.	
December 18, 1872—Indictment filed. August 27, 1873—Verdict, guilty of assault to rape. Sept. 13, 1873—Sentence, State Prison fourteen years. Sept. 23—Notice of appeal filed.	September 26, 1873—Transcript filed. Nov. 13, 1873—Appellant's brief filed. November 24, 1873—Respondents' brief filed. December 31—Judgment reversed and new trial granted.	January 5, 1874—Remittitur issued.	
August 20, 1873—Indictment filed. August 28—Verdict, guilty. September 12—Sentence, State Prison four years. September 23—Notice of appeal filed.	September 26, 1873—Transcript filed. Oct. 22—Appellant's brief filed. October 22—Respondents' brief filed. Dec. 8—Judgment affirmed.	January 3, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Appellants, v. John Hancock and John C. Hayes, Respondents.	Eighteenth District Court, San Bernar- dino County.	Civil action.	By complaint for de- linquent taxes— Amount, \$713 57.
The People, etc., Respondents, v. Robert McDonell, Appellant.	Seventh District Court, Solano County.	Criminal action.	By indictment—Mur- der.
The People, etc., ex rel. John L. Love, Attorney General, Petitioners, v. Monroe Ashbury, Auditor of City and County of San Francisco.	Original proceeding in Supreme Court.	Civil action—appli- cation for writ of mandate.	By petition.
The People, etc., Respondents, v. William Johnson.	Eleventh Dist. Court, Amador County.	Criminal action.	By indictment—Mur- der.
The People, etc., Respondents, v. Winchester Doyell, Appellant.	Tenth District Court, Sierra County.	Criminal action.	By indictment—Mur- der.

GENERAL'S DECKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
January 11, 1872—Com- plaint filed. June 17— Answer filed. Decem- ber 26—Order for judg- ment filed. January 22, 1873—Notice of ap- peal filed.	October 18, 1873—Tran- script filed. October 28, 1873—Appellants' brief filed. January, 1874— Respondents' brief filed. Judgment affirmed.	Remittitur is- sued.	
	Nov. 4, 1873—Transcript filed. Nov. 17—Argued orally and submitted. Nov. 21, 1873—Judg- ment affirmed; remitti- tur forthwith.	Nov. 25, 1873— Remittitur is- sued.	The sentence of death against the prisoner was comuted, by Governor Booth, to imprisonment for life.
	Dec. 8, 1873—Peremptory mandate ordered.		
Aug. 6, 1872—Indictment filed. June 24, 1873— Verdict, murder in the second degree. June 28, 1873—Sentence, State Prison for life. Oct. 31—Notice of ap- peal filed.	Dec. 11, 1873—Transcript filed. Jan. 13, 1874— Appellant's points filed. Jan. 27—Respondents' points filed. October 7, 1874—Judgment and order affirmed.	Oct. 7, 1874— Remittitur is- sued.	
March 19, 1873—Indict- ment filed. July 19— Verdict, murder in the second degree. July 22—Sentence, State Prison, thirty years. September 16—Notice of appeal filed.	Dec. 17, 1873—Transcript filed. Jan. 13, 1874— Appellant's brief filed. M'ch 23—Respondents' brief filed. April 21— Judgment affirmed. May 12—Petition for rehearing filed. August 31—Rehearing denied.	Sept. 2, 1874— Remittitur is- sued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—Civil or criminal.	Mode of prosecution, and nature of demand or crime.
The People, etc., Respondents, v. James Woody, Appellant.	County Court, Santa Cruz County.	Criminal action.	By indictment—Attempt to rob.
The People, etc., Respondents, v. John Brown, Appellant.	County Court, Nevada County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. John Brown, Appellant.	County Court, Nevada County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. James Myers, Appellant.	County Court, Nevada County.	Criminal action.	By indictment—Robbery.
The People, etc., Respondents, v. Victor Norega, Appellant.	County Court, Solano County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. S. B. Whipple, Appellant.	Third District Court, Alameda County.	Civil action.	By complaint—For delinquent taxes. Amount, \$334 50.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Nov. 4, 1873—Indictment filed. Nov. 8—Verdict, guilty. November 20—State Prison three years. Nov. 24—Notice of appeal filed.	Dec. 19, 1873—Transcript filed. Jan. 17, 1874—Appellant's brief filed. M'ch 18—Respondents' brief filed. June 8, 1874—Judgment affirmed.	June 10, 1874—Remittitur issued.	
Feb. 11, 1873—Indictment filed. Aug. 23—Verdict, guilty. Sept. 5—Sentence, State Prison, four years. Sept. 5—Notice of appeal filed.	Jan. 2, 1874—Transcript filed. May 4, 1874—Appellant's brief filed. May 15—Respondents' brief filed. July 27, 1874—Judgment and order affirmed.	July 26, 1874—Remittitur issued.	
Feb. 11, 1873—Indictment filed. Aug. 23—Verdict, guilty. Sept. 5—Sentence, State Prison, four years and nine months. Sept. 5—Notice of appeal filed.	Jan. 2, 1874—Transcript filed. May 4, 1874—Appellant's brief filed. May 15—Respondents' brief filed. Judgment.		
Nov. 5, 1873—Indictment filed. Nov. 19—Verdict, guilty. Nov. 25—Sentence, State Prison, ten years. Nov. 25—Notice of appeal filed.	Jan. 2, 1874—Transcript filed. May 13—Argued and submitted. Jan. 14—Judgment affirmed, remittitur forthwith.	Jan. 16, 1874—Remittitur issued.	
December 17—Indictment filed. Dec. 24—Verdict, guilty. Dec. 27—Sentence, State Prison, two years. Dec. 27—Notice of appeal filed.	Jan. 5, 1874—Transcript filed. Feb. 2, 1874—Appellant's points filed. Feb. 2, 1874—Respondents' points filed. April 16—Judgment reversed and new trial granted.	April 20, 1874—Remittitur issued.	
Jan. 4, 1870—Complaint filed. Feb. 29, 1873—Answer filed. May 16, 1873—Judgment for plaintiffs for \$334 50 and costs. June 7, 1873—Appeal taken.	Sept. 5, 1873—Transcript filed. Sept. 20—Appellant's points filed. Dec. 15—Respondents' brief filed. Jan. 27, 1874—Judgment affirmed.	Feb. 24, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. S. B. Whipple, Appellant.	Third District Court, Alameda County.	Civil action.	By complaint—Delinquent taxes; amount, \$880.
The People, etc., ex rel. B. Brundage, v. Supervisors of Kern County.	Original proceeding in Supreme Court.	Civil action.	By petition for writ of prohibition.
The People, etc., ex rel. F. K. Miller, v. Supervisors of Inyo County.	Sixteenth Dist. Court, Inyo County.	Civil action.	
The People, etc., ex rel. John L. Love, Attorney General, v. J. D. Matthewson.	Fifteenth Dist. Court, City and County of San Francisco.	Civil action.	Contest to right of office of State Harbor Commissioner.
The People, etc., ex rel. D. Scannell, v. F. E. R. Whitney.	Fifteenth Dist. Court, City and County of San Francisco.	Civil action.	By complaint for usurpation of office of Chief Engineer of the Fire Department of San Francisco.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court Below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
May 12, 1868—Complaint filed. June 18, 1872—Amended complaint filed. Feb. 24, 1873—Amended answer filed. May 16, 1873—Judgment for plaintiffs for \$880 and costs. June 7, 1873—Appeal taken.	Sept. 5, 1873—Transcript filed. Sept. 20, 1873—Appellant's brief filed. Dec. 15, 1873—Respondent's brief filed. Jan. 27, 1874—Judgment reversed and cause remanded, with directions to enter judgment for plaintiff.	Feb. 24, 1874—Remittitur issued.	
Leave to use name of People granted Sept. 22, 1873. B. Brundage, J. H. McKune, and C. G. W. French, attorneys for relator.			
Leave to sue granted May 26, 1873.			
Leave to use name of People granted Nov. —, 1873.			
Leave to sue in name of People granted Nov. —, 1873. Sol. A. Sharp, attorney for petitioner.			

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
In the matter of the estate of Anna A. Jefferson, deceased.	Probate Court, Napa County.	Civil proceeding concerning an escheated estate.	
Ella S. Cummings, Plaintiff, v. P. D. Burbank, Newton Booth, F. Baehr, and Drury Melone, Defendants.	Sixth District Court, Sacramento County.	Civil action—Ejectment.	By complaint to recover possession from defendants, the Board of State Capitol Commissioners, of lots two and eight, in block between L and M, Fourteenth and Fifteenth streets, Sacramento City.
The People, etc., ex rel. J. G. Pressley, v. J. F. Cloutman, et al.	Seventh District Court, Solano County.	Civil action.	County seat contest between Vallejo and Fairfield.
The People, etc., ex rel. S. H. Sheplar, v. Thomas Nelson.	Fifteenth Dist. Court, City and County of San Francisco.	Civil action.	By complaint for usurpation of a franchise.
The People, etc., ex rel. John L. Love, Attorney General, v. C. B. Edwards.	Nineteenth District Court, City and County of San Francisco.	Civil action.	By complaint for the usurpation of the office of Fire Commissioner of San Francisco.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Leave given Thomas J. Tucker, of Napa City, to appear in the name of the Attorney General, for the purpose of determining the escheat of the above estate.			
Dec., 1873 — Complaint filed. Dec., 1874 — Answer filed. December, 1874 — Amended complaint filed. Amended answer filed.			
Leave to use name of People granted January 11, 1874.			
Jan., 1874 — Leave to sue in the name of the People granted on verified petition. Sawyer & Ball, relator's attorneys.			
Feb. 23, 1874 — Verified petition for leave to sue in the name of the People. March 6 — Leave granted. J. L. Crittenden, relator's attorney.			

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—Civil or Criminal.	Mode of prosecution and nature of demand or crime.
The People of the State of California, v. E. F. Northam.	Fourth District Court, City and County of San Francisco.	Civil action.	By complaint to correct a deed given by the State.
The People, etc., Respondents, v. Indian Peter, Appellant.	Eighth District Court, Humboldt County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. James Murphy, Appellant.	County Court, Tulare County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Ah Wee, Appellant.	Sixth District Court, Sacramento County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. John L. Reed, Appellant.	County Court, Humboldt County.	Criminal action.	By indictment—Grand larceny.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
March 28, 1874—Petition filed and leave to sue in name of the People, granted. H. E. Highton, plaintiff's attorney.			
July 11, 1873—Indictment filed. December 27—Verdict, murder in second degree. December 30—Sentence, State Prison, ten years. February 13, 1874—Appeal taken.	Feb. 27, 1874—Transcript filed. April 17, 1874—Appellant's brief filed. May 16—Respondents' brief filed. June 8, 1874—Judgment affirmed.	July 14, 1874—Remittitur issued.	
Jan. 10, 1873—Indictment filed. Jan. 16—Verdict, guilty. Feb. 4—Sentence, State Prison, one year. Feb. 17—Appeal taken.	March 3, 1874—Transcript filed. April 14, 1874—Judgment reversed and new trial granted.	April 15, 1874—Remittitur issued.	
Oct. 30, 1873—Indictment filed. Dec. 7, 1873—Verdict, murder in second degree. Jan. 5, 1874—Sentence, State Prison for life. Jan. 5, 1874—Appeal taken.	Jan. 12, 1874—Transcript filed. Jan. 23—Argued and submitted. April 16, 1874—Judgment affirmed. May 7—Petition for rehearing filed. Aug. 31—Rehearing denied.	Sept. 2, 1874—Remittitur issued.	
Jan. 10, 1874—Indictment filed. Jan. 30—Verdict, guilty. Feb. 6—New trial denied. Feb. 9—Sentence, State Prison, three years. Feb. 9—Appeal taken.	March 4, 1874—Transcript filed. March 26—Appellant's brief filed. May 16—Respondents' brief filed. Oct. 7—Judgment affirmed, remittitur forthwith.	Oct. 7, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. John Roach, et al., Appellants.	County Court, Mendocino County.	Criminal action.	By indictment—Assault to murder.
The People, etc., Respondents, v. Thomas McCarty, Appellant.	Eighteenth Dist. Court, San Diego County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Robert Manning, Appellant.	Fifteenth Dist. Court, City and County of San Francisco.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Wm. O'Neil, Appellant.	County Court, Del Norte County.	Criminal action.	By indictment—Attempt to rape.
The People, etc., Respondents, v. Milton Shepardson, Appellant.	County Court, Shasta County.	Criminal action.	By indictment—Robbery.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Sept. 9, 1873—Indictment filed. March 10—Verdict, guilty. M'ch 11—New trial denied. M'ch 11—Appeal from order denying new trial taken.	March 25, 1874—Transcript filed. May 26—Appellants' points filed. Oct. 2—Judgment reversed, and cause remanded for a new trial. Remittitur forthwith.	Oct. 7, 1874—Remittitur issued.	
Sept. 9, 1873—Indictment filed. Feb. 16, 1874—Verdict, guilty of murder in second degree. Feb'y 19—Sentence, State Prison ten years. Feb. 20—Appeal taken.	March 25, 1874—Transcript filed. April 10—Appellant's points filed. May 16—Respondents' points filed. October 7, 1874—Judgment and order affirmed. Remittitur forthwith.	Oct. 7, 1874—Remittitur issued.	
Oct. 27, 1873—Indictment filed. Jan. 31, 1874—Verdict, murder in second degree. March 6—Sentence, State Prison for life. March 18—Appeal taken.	March 26, 1874—Transcript filed. April 25—Appellant's brief filed. May 14—Respondents' brief filed. Aug. 25—Judgment affirmed.	Aug. 27, 1874—Remittitur issued.	
April 10, 1873—Indictment filed. April 12—Verdict, guilty. April 16—Sentence, State Prison for four years. Feb. 21, 1874—Appeal taken.	March 4, 1874—Transcript filed. March 17—Submitted. April 16—Judgment reversed, and new trial granted.	April 18, 1874—Remittitur issued.	
May 7, 1873—Indictment filed. March 7, 1874—Verdict, guilty. April 6—Sentence, State Prison, seven years. April 6—Appeal taken.	April 15, 1874—Transcript filed. April 20—Judgment reversed, and new trial granted.	April 21, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Geo. Beaver, Appellant.	County Court, Yolo County.	Criminal action.	By indictment— Housebreaking in the daytime.
The People, etc., Respondents, v. Edward Lee, Appellant.	County Court, Placer County.	Criminal action.	By indictment—Rob- bery.
The People, etc., Respondents, v. Fannie Simpson, Appellant.	Municipal Criminal Court, City and County of San Fran- cisco.	Criminal action.	By indictment—Ar- son.
The People, etc., Respondents, v. James Riley, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment— Housebreaking.
The People, etc., Respondents, v. Jos. M. Barnes, Appellant.	County Court, Yolo County.	Criminal action.	By indictment—Burg- lary.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Jan. 7, 1874—Indictment filed. April 18—Verdict, guilty. April 18—Sentence, State Prison, one year. April 18—Appeal taken.	April 18, 1874—Transcript filed. May 11—Appellant's brief filed. May 16—Respondents' brief filed. Oct. 26—Judgment reversed and new trial granted.	Nov. 4, 1874—Remittitur issued.	
Jan. 8, 1874—Indictment filed. March 14—Verdict, guilty. March 20—Sentence, State Prison, four years. April 8—Appeal taken.	April 16, 1874—Transcript filed. Oct. 26—Respondents' points filed. Oct. 27—Judgment affirmed.	Oct. 27, 1874—Remittitur issued.	
Dec. 24, 1872—Indictment filed. Feb. 19, 1874—Verdict, guilty of an attempt to commit arson in second degree. March 28, 1874—Sentence, State Prison, three years. April 6—Appeal taken.	April 18, 1874—Transcript filed. July 14—Appellant's brief filed. Aug. 5—Respondents' brief filed. Oct. 9—Judgment and order affirmed.	Remittitur issued.	
Nov. 4, 1873—Indictment filed. Nov. 26—Verdict, guilty. Nov. 29—Sentence, State Prison, ten years. March 30—Appeal taken.	April 18, 1874—Transcript filed. July 14—Argued and submitted. July 27—Judgment reversed, with directions to Court below to proceed to judgment on the verdict.	Aug. 11, 1874—Remittitur issued.	
April 7, 1874—Indictment filed. April 16—Verdict, guilty. Sentence, State Prison, six years. April 24—Appeal taken.	April 30, 1874—Transcript filed. July 14—Argued and submitted. July 27—Judgment reversed and new trial granted.	Aug. 11, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Lemuel Lightner, Appellant.	County Court—Colusa County.	Criminal action.	By indictment—Assault to murder.
The People, etc., Respondents, v. Daniel Buckley, Appellant.	Second Dist. Court—Tehama County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Ah Kong and Tung Si, Appellants.	Seventeenth District Court—Los Angeles County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. E. P. Welch, Appellant.	Sixteenth Dist. Court—Inyo County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Bartlett Freel, Appellant.	Third District Court—City and County of San Francisco.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Oct. 24, 1873—Indictment filed. April 15, 1874—Verdict, guilty of assault to do bodily harm. April 20—Sentence, State Prison six months.	May 4, 1874—Transcript filed. June 26—Appellant's brief filed. July 10—Respondents' brief filed. July 27—Respondents' second brief filed. Nov. 27—Judgment and order affirmed.		
Jan. 19, 1874—Indictment filed. May 6—Verdict, murder in second degree. May 9—Sentence, State Prison ten years. May 9—Appeal taken.	May 22, 1874—Transcript filed. Aug. 7—Appellant's brief filed. Nov. 10—Respondents' brief filed. Dec. 3—Judgment affirmed.	Dec. 28, 1874—Remittitur issued.	
Nov. 12, 1873—Indictment filed. April 29, 1874—Verdict, murder in second degree. Sentence, ten years. May 1—Appeal taken.	June 3, 1874—Transcript filed. June 3—Appellant's brief filed. July 13—Respondents' brief filed. Oct. 19—Judgment and order affirmed.		
Nov. 4, 1873—Indictment filed. May 3, 1874—Verdict, guilty of murder in first degree. May 16—Judgment of death. May 16—Appeal taken.	June 4, 1874—Transcript filed. Aug. 13—Appellant's brief filed. Oct. 30—Respondents' brief filed. Nov. 16—Judgment affirmed.	Dec. 30, 1874—Remittitur issued.	
Dec. 29, 1873—Indictment filed. April 24, 1874—Verdict, murder in second degree. April 30—Sentence, State Prison eleven years. June 9—Appeal taken.	June 22, 1874—Transcript filed. Appellant's brief filed. July 15—Argued and submitted. Sept. 29—Judgment reversed and new trial granted.	Oct. 15, 1874—Remittitur issued.	

COPY ON ATTORNEY

TITLE OF CAUSE.	In what county, district and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Ellen Delancy, Appellant.	Municipal Court, San Francisco.	Criminal action.	By indictment—Petit larceny, second offense.
The People, etc., Respondents, v. Antone Hunceler, Appellant.	Twelfth Dist. Court, City and County of San Francisco.	Criminal action.	By indictment—Murder.
The People, etc., ex rel. Michael Cavanaugh, v. The Board of Supervisors of Contra Costa County.	Fifteenth Dist. Court, Contra Costa County.	Civil action.	By petition for writ of mandate to compel Board of Supervisors to form a road district.
The People, etc., ex rel. R. E. Rowland, v. Board of Supervisors of Contra Costa County.	Fifteenth Dist. Court, Contra Costa County.	Civil action.	Same as above.
The People, etc., ex rel. Joseph Wohlfrom, v. Board of Supervisors of Contra Costa County.	Fifteenth Dist. Court, Contra Costa County.	Civil action.	Same as above.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Feb. 28, 1874 — Indictment filed. March 4—Plea, guilty. March 6 —Sentence, State Prison, two years. June 9 —Appeal taken.	July 2, 1874—Transcript filed. July 22—Appellant's brief filed. Dec. 3, 1874—Judgment affirmed.	July 22, 1875—Remittitur issued.	
Feb. 28, 1874 — Indictment filed. May 20—Verdict, manslaughter. May 22 — Sentence, State Prison, five years. June 5, 1875—Appeal taken.	July 2, 1874—Transcript filed. July 22—Appellant's brief filed. Aug. 3—Judgment reversed and defendant discharged.	Aug. 4, 1874—Remittitur issued.	
June 22, 1874—Petition for leave to sue in name of the People, filed, and order issued. L. M. Brown and E. R. Chase, Martinez, Attorneys for Relator.			
Leave to sue in name of the People granted on verified petition, granted July 13, 1874. Same attorneys as above.			
Same as above.			

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., ex rel. Alex. White, v. The Board of Supervisors of Contra Costa County.	Fifteenth Dist. Court, Contra Costa County.	Civil action.	Same as above.
The People, etc., v. The Sacramento Valley Reclamation Company, Reclamation District No. 108, et al.	Sixth District Court, Sacramento County.	Civil action.	Usurpation of corporate rights.
The People, etc., ex rel. E. J. Baldwin, v. W. S. Lyle.	Nineteenth District Court, City and County of San Francisco.	Civil action.	In the nature of a quo warranto, to try the right to the office of Trustee of the Ophir Mining Company.
The People, etc., Respondents, v. C. G. T. Swenson, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Assault to murder.
The People, etc., Respondents, v. Joseph Getty, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Burglary.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Same as above.			
Petition to Attorney General for leave to sue in name of the People, granted July 10, 1874. Geo. Cadwalader, attorney for Relator. Oct. 10, 1874—Undertaking for costs of Geo. Hagar, filed in Attorney General's office.			
Leave granted Relator to sue in name of the People, July 11, 1874. John Garber and H. J. Thornton, attorneys for Relator.			
March 6, 1874—Indictment filed. May 29—Verdict, guilty. June 29—Sentence, State Prison, three years. June 29—Appeal taken.	July 9, 1874—Transcript filed. July 18—Appellant's brief filed. Oct. 23—Respondents' brief filed. Dec. 3, 1874—Judgment affirmed.	Dec. 28, 1874—Remittitur issued.	
April 20, 1874—Indictment filed. May 25, 1874—Verdict, guilty. June 20—Sentence, State Prison, four years. June 25—Appeal taken.	July 13, 1874—Transcript filed. Jan. 20, 1875—Argued and submitted. Feb. 20—Judgment and order affirmed.	March 22, 1875—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Charles Perdue, Appellant.	Tenth District Court, Yuba County.	Criminal action.	By indictment—Murder.
The People, etc., Appellants, v. J. E. Goux, Administrator of estate of A. L. Moyard, deceased, et al., Respondents.	First District Court, Santa Barbara County.	Civil action.	By complaint to recover \$3,329 14 from the Administrator of the estate of a deceased intestate, dying without heirs.
La Grange Ditch and Hydraulic Mining Company, Plaintiff, v. I. Friedlander, The State of California, et al., Defendants.	Fifth District Court, Tuolumne County.	Civil action.	By complaint to condemn lands for ditch purposes under eminent domain.
The People, etc., Respondents, v. Edward Gilfeather, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Robbery.
The People, etc., Respondents, v. Charles Ross, Appellant.	County Court, Humboldt County.	Criminal action.	By indictment—Receiving stolen property.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Oct., 1873—Indictment filed. June 6, 1874—Verdict, manslaughter. June 17—Sentence, State Prison, two years. June 17—Appeal taken.	July 20, 1874—Transcript filed. July 30—Appellant's brief filed. Oct. 19—Judgment and order affirmed.	Oct. 20, 1874—Remittitur issued.	
July 21, 1873—Complaint filed. July 23—Demurrer filed. Oct. 21—Demurrer sustained. Oct. 29—Appeal taken.	Transcript filed, July 18, 1874. Appellants points filed. Respondents brief filed. Judgment affirmed.	Remittitur issued.	
Sept. 14, 1874—Order of Governor, directing the Attorney General to enter the appearance of the State of California, filed, and notice of such appearance sent to Crane & Boyd, attorneys for plaintiff, San Francisco.			
April 26, 1874—Indictment filed. May 16—Verdict, guilty. July 6—Sentence, State Prison, three years. July 6—Appeal taken.	July 28, 1874—Transcript filed. Oct. 13—Argued orally and judgment and order affirmed.	Oct. 15, 1874—Remittitur issued.	
January 10, 1874—Indictment filed. February 3—Verdict, guilty. February 9—Sentence, State Prison two years. August 27—Appeal taken.	Sept. 11, 1874—Transcript filed. Sept. 11—Appellant's brief filed. Oct. 10—Respondents' brief filed. Oct. 16, 1874—Judgment affirmed.	November 10, 1874—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Filomena Cotta, Appellant.	Sixth District Court, Sacramento County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Domingo Estrado, Appellant.	Sixth District Court, Sacramento County.	Criminal action.	By indictment.
The People, etc., Respondents, v. Frank J. Wilson, Appellant.	County Court, San Benito County.	Criminal action.	By indictment—Assault to rob.
The People, etc., Respondents, v. Ah Who, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Housebreaking.
The People, etc., Respondents, v. Chas. Beauchamp, Appellant.	County Court, Stanislaus County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Doe No. 1,129 et al., Appellants.	Eighteenth District Court, San Diego County.	Civil action.	By complaint for delinquent taxes of 1871. Am't, \$5 59.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
May 7, 1874—Indictment filed. July 9—Verdict, murder in first degree. July 28—Judgment of death. July 29—Appeal taken.	Sept. 14, 1874—Transcript filed. Oct. 12—Appellant's brief filed. Oct. 15—Judgment and order affirmed. Nov. 7—Petition for rehearing filed. Dec. 19—Rehearing denied.	December 24, 1874—Remittitur issued.	
Same as above. Cotta and Estrado were indicted together.	Same as above.	December 24, 1874—Remittitur issued.	
August 18, 1874—Indictment filed. Aug. 24—Verdict, guilty. Aug. 29—Sentence, State Prison ten years. September 3—Appeal taken.	Sept. 15, 1874—Transcript filed. Oct. 15—Judgment reversed and new trial granted.	November 2, 1874—Remittitur issued.	
July 11, 1874—Indictment filed. July 22—Verdict, guilty. August 1—Sentence, State Prison five years. September 22—Appeal taken.	Sept. 25, 1874—Transcript filed. Sept. 25—Appellant's brief filed. Oct. 10—Respondents' brief filed. Oct. 19—Judgment affirmed.	October 20, 1874—Remittitur issued.	
May 6, 1874—Indictment filed. July 15—Verdict, guilty. July 25—Sentence, State Prison six years. Sept. 22—Appeal taken.	Sept. 30, 1874—Transcript filed. Oct. 13, 1874—Judgment reversed.	November 17, 1874—Remittitur issued.	
Dec. 16, 1872—Complaint filed. May 20, 1873—Decree entered. May 13, 1874—Appeal taken.	June 27, 1874—Transcript filed. Aug. —, 1874—Appellants' brief filed. Respondents' brief filed. July 13, 1875—Judgment affirmed.	Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of case—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. J. W. Burk, Appellant.	Seventh Dist. Court, Sonoma County.	Criminal action.	By indictment—Murder.

The People, etc., Respondents, v. Mariana Soto, Appellant.	County Court, San Bernardino County.	Criminal action.	By indictment—Grand larceny.
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The People, etc., Respondents, v. John Ivey, Appellant.	County Court, Yolo County.	Criminal action.	By indictment—Ar- son, second degree.
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The People, etc., Respondents, v. Frank Winters, Appellant.	Municipal Criminal Court, City and County of San Fran- cisco.	Criminal action.	By indictment— Housebreaking.
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The People, etc., Respondents, v. Elodoro Saldez, Appellant.	Municipal Criminal Court, City and County of San Fran- cisco.	Criminal action.	By indictment—Burg- lary.
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GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
March 5, 1873—Indictment filed. May 9, 1874—Verdict, murder in first degree. Punishment, imprisonment for life. May 11—Judgment rendered. May 11—Appeal taken.	July 30, 1874—Transcript filed. Dec. 17, 1874—Judgment affirmed.	Jan. 12, 1875—Remittitur issued.	

July 8, 1874—Indictment filed. July 11—Verdict, guilty. July 16—Sentence, State Prison, three years. July 17—Appeal taken.	July 31, 1874—Transcript filed. Aug. 10—Appellant's brief filed. Oct. 10—Respondents' brief filed. Oct. 19—Judgment reversed and new trial granted.	Oct. 29, 1874—Remittitur issued.	
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Jan. 7, 1874—Indictment filed. July 24—Verdict, guilty. July 31—Sentence, State Prison, one year. July 31—Appeal taken.	Sept. 5, 1874—Transcript filed. Oct. 14—Appellant's brief filed. Oct. 17—Respondents' brief filed. Oct. 19—Judgment reversed and new trial granted.	Oct. 20, 1874—Remittitur issued.	
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April 20, 1874—Indictment filed. June 5—Verdict, guilty. June 20—Sentence, State Prison, three years. June 25—Appeal taken.	Sept. 25, 1874—Transcript filed. Nov. 2—Appellant's brief filed. Nov. 10—Respondents' brief filed. Dec. 3—Judgment affirmed.	July 22, 1875—Remittitur issued.	
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April 20, 1874—Indictment filed. May 27—Verdict, guilty. June 20—Sentence, State Prison, three years. June 25—Appeal taken.	Sept. 25, 1874—Transcript filed. Feb. 24, 1875—Judgment affirmed.	March 22, 1875—Remittitur issued.	
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COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution, and nature of demand or crime.
The People, etc., Respondents, v. Bernard Newman, Appellant.	County Court, Los Angeles County	Criminal action.	By indictment—Assault to murder.
The People, etc., Appellants, v. L. Rodriguez, Respondent.	County Court, Santa Clara County.	Criminal action.	By indictment—Seduction.
The People, etc., Respondents, v. Lon Me, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Housebreaking.
The People, etc., ex rel. J. V. Leffler, v. C. H. Covell, Assessor of San Joaquin County.	Fifth District Court, San Joaquin County.	Civil action.	Petition to Attorney General for leave to sue in name of People. Action to try the right to the office of Assessor of San Joaquin County.
J. T. Pennington, Petitioner, v. F. Baehr, State Treasurer.	Original proceeding in Supreme Court.	Civil action.	By petition for mandate to compel Treasurer to pay certain coupons upon bonds of Levee District No. 5, Sutter County.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
March 12, 1874—Indictment filed. May 12—Verdict, guilty. June 15—Sentence, State Prison, five years. June 15—Appeal taken.	October 3, 1874—Transcript filed. Jan. 20, 1875—Appellant's brief filed. April 1, 1875—Respondents' brief filed. Sept. 16, 1875—Judgment reversed and new trial granted.	Oct. 12, 1875—Remittitur issued.	
Aug. 20, 1874—Indictment filed. Aug. 28—Demurrer sustained, and defendant discharged. Sept. 24—Appeal taken.	Oct. 10, 1874—Transcript filed, and appellants' brief filed. Oct. 22—Respondent's brief filed. Oct. 28—Judgment affirmed.	Nov. 25, 1874—Remittitur issued.	
Sept. 12, 1874—Indictment filed. Sept. 28—Verdict, guilty. Oct. 15—Sentence, State Prison, 18 months. Oct. 15—Appeal taken.	Oct. 21, 1874—Transcript filed. Oct. 31—Appellant's brief filed. Dec. 5—Respondent's brief filed. Dec. 16—Judgment reversed.	Jan. 5, 1875—Remittitur issued.	
July 20, 1874—Petition filed, and leave granted. J. H. Budd, attorney for relator. Aug. 5—Undertaking of relator filed in office of Attorney General.			
July 16, 1874—Alternative writ issued, returnable July 27, 1874.	July, 1874—Peremptory writ ordered.		

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Petitioners, v. Board of Supervisors of San Luis Obispo County. Respondents.	First District Court, San Luis Obispo County.	Civil action.	Petition to Attorney General for leave to sue in name of the People. Mandate to compel Supervisors to issue bonds under Act of March 18, 1874, for road purposes.
The People, etc., Respondents, v. Joseph Jacobs, Appellant.	County Court—Solano County.	Criminal action.	By indictment—Burglary.
The People, etc., Respondents, v. Louis E. Barric, Appellant.	County Court—Santa Clara County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Jesus Alipaz, Appellant.	First District Court—San Luis Obispo County.	Criminal action.	By indictment—Murder.
The People, etc., ex rel. J. A. Wall and T. Beeman, v. E. K. Abbott, Sam'l Cassidy, et al.	Twentieth Dist. Court—Monterey County.	Civil action.	By complaint—To try the right to the office of School Trustee of Salinas City.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Oct. 28, 1874—Petition filed, and leave granted to W. J. Graves, relator.			
August 20, 1874—Indictment filed. Aug. 26—Verdict, guilty. Sept. 14—Sentence, State Prison seven years. September 30—Appeal taken.	Oct. 23, 1874—Transcript filed. Nov. 11, 1874—Appellant's brief filed. Dec. 10—Respondents' brief filed. Dec. 17—Judgment reversed for a new trial.	Jan. 5, 1875—Remittitur issued.	
August 20, 1874—Indictment filed. Aug. 26—Verdict, guilty. Aug. 28—Sentence, State Prison two years and a half. Oct. 25—Appeal taken.	Oct. 24, 1874—Transcript filed. Oct. 28—Appellant's brief filed. Nov. 13—Respondents' brief filed. Dec. 2—Judgment reversed and new trial granted.	Dec. 28, 1874—Remittitur issued.	
June 10, 1874—Indictment filed. Sept. 23—Verdict, guilty of murder in the first degree; punishment, imprisonment for life. September 29—Appeal taken.	Oct. 27, 1874—Transcript filed. Appellant's brief filed. Feb. 1, 1875—Judgment reversed.	Feb. 20, 1875—Remittitur issued.	
Nov. 2, 1874—Petition to Attorney General, for leave to sue in name of people, filed. Nov. 5—Leave granted. Wall and Beeman, relators' attorneys.			

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Milton Shepardson, Appellant.	County Court—Shasta County.	Criminal action.	By indictment—Robbery.
The People, etc., Respondents, v. B. F. Clark, Appellant.	County Court—San Bernardino County.	Criminal action.	By indictment—Attempt to rob.
The People, etc., Respondents, v. Thos. J. Parton, Appellant.	County Court—Humboldt County.	Criminal action.	By indictment—Rape.
The People, etc., Respondents, v. Charles Severs, Appellant.	County Court—Colusa County.	Criminal action.	By indictment—Assault to murder.
The People, etc., Respondents, v. George A. Keith, Appellant.	Second Dist. Court— Butte County.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
May 7, 1873—Indictment filed. Verdict, guilty. Nov. 18, 1874—Appeal taken. The record in this case was withdrawn for use in the Court below.	Dec. 17, 1874—Transcript filed. Jan. 27, 1875—Appellant's brief filed. March 4—Respondents' brief filed. May 29—Judgment reversed and new trial granted.	June 14, 1875—Remittitur issued.	
Sept. 9, 1874—Indictment filed. Sept. 25—Verdict, guilty. Sept. 28—Sentence, State Prison, ten years. October 1, 1874—Notice of appeal filed, and not served.	Oct. 19, 1874—Transcript filed. Feb. 23, 1875—Cause stricken from the calendar.	March 22, 1875—Remittitur issued.	
Sept. 8, 1874—Indictment filed. Sept. 27—Verdict, assault to rape. Oct. 3—Sentence, State Prison, three years. Oct. 5—Appeal taken.	Nov. 14, 1874—Transcript filed, and appellant's brief filed. March 3, 1875—Respondents' brief filed. March 29—Judgment and order affirmed. July 28, 1875—Rehearing denied.	Aug. 3, 1875—Remittitur issued.	
Oct. 22, 1874—Indictment filed. Nov. 4—Verdict, guilty. Nov. 7—Sentence, State Prison, one year. Nov. 7—Appeal taken.	Nov. 23, 1874—Transcript filed. Dec. 22, 1874—Appellant's brief filed. Jan. 20, 1875—Judgment affirmed.	Feb. 16, 1875—Remittitur issued.	
Jan. 28, 1874—Indictment filed. July 16—Verdict, murder in second degree. Dec. 14, 1874—Sentence, State Prison, ten years. Dec. 14—Appeal taken.	Dec. 26, 1874—Transcript filed. Jan. 29, 1875—Appellant's brief filed. Feb. 12, 1875—Respondents' brief filed. March 10—Judgment affirmed. May 21—Rehearing granted. Oct. 7—Judgment and order affirmed.	Oct. 14, 1875—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district and Court instituted, tried, and adjudged.	Character of cause—civil or criminal	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Ah Fook. Appellant.	County Court—Santa Clara County.	Criminal action.	By indictment—Burglary.
In the matter of the estate of Curtis, deceased.	Probate Court—Solano County.	Escheated estate.	
The People, etc., Respondents, v. Volney Cleaveland, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Ah Shak, et al., Appellants.	County Court, Santa Barbara County.	Criminal action.	By indictment—Robbery.
The People, etc., Respondents, v. Antonio Gonzales, Appellant.	Fourth District Court, City and County of San Francisco.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Lloyd Bell, Appellant.	Third District Court, City and County of San Francisco.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Nov. 18, 1874—Indictment filed. Nov. 27—Verdict, guilty. Nov. 30—Sentence, State Prison, one year. Dec. 1—Appeal taken.	Dec. 30, 1874—Transcript filed. Dec. 31, 1874—Appellant's brief filed. Jan. 7—Respondents' brief filed. Jan. 20—Judgment affirmed.	Feb. 16, 1875—Remittitur issued.	
Feb. 5, 1875—Authority given to Geo. A. Lament to appear for the State.			This estate has remained unsettled for ten years, of which I am first informed to-day, Feb. 5, 1875.
Sept. 12, 1874—Indictment filed. Oct. 16—Verdict, guilty. Nov. 2—Sentence, State Prison, two years. Nov. 2—Appeal taken.	Jan. 11, 1875—Transcript filed. Feb. 9, 1875—Appellant's brief filed. March 3—Respondents' brief filed. March 9, 1875—Judgment affirmed.	April 6, 1875—Remittitur issued.	
Aug. 9, 1874—Indictment filed. Dec. 14—Verdict, guilty. Dec. 26—Sentence, State Prison two years. Jan. 4, 1875—Appeal taken.	Jan. 18, 1875—Transcript filed, and appellants' brief filed. March 2—Respondents' points filed. March 5—Order affirmed.	March 6, 1875—Remittitur issued.	
April 20, 1874—Indictment filed. Sept. 2—Verdict, murder second degree. Sept. 26—Sentence, State Prison, fifteen years. Oct. 17—Appeal taken.	Dec. 7, 1874—Transcript filed. Feb. 6, 1875—Appellant's brief filed. March 3—Respondents' brief filed. March 10—Judgment affirmed.	April 6, 1875—Remittitur issued.	
Dec. 29, 1873—Indictment filed. Aug. 23, 1874—Verdict, manslaughter. Sept. 14—Sentence, State Prison, seven years. Oct. 17—Appeal taken.	Dec. 18, 1874—Transcript filed—Feb. 12, 1875—Appellant's brief filed. April 1—Respondents' brief filed. April 6, 1875—Judgment reversed and new trial granted.	May 8, 1875—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Tiburcio Vasquez, Appellant.	Twentieth Dist. Court, Santa Clara County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. D. H. Geiger, Appellant.	Seventh Dist. Court, Sonoma County.	Criminal action.	By indictment—Murder.
Wm. W. Camron and wife, Respondents, v. J. R. L. Smith, Tax Collector of Contra Costa County.	Fifteenth Dist. Court, Contra Costa County.	Civil action.	By complaint. To recover taxes paid under protest; amount, \$1,200.
The People, etc., Respondents, v. Wm. West, Appellant.	Ninth District Court, Shasta County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. H. Morrison, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Perjury.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Nov. 5, 1873—Indictment filed. Jan. 9, 1875—Verdict, guilty of murder in first degree. Jan. 23—Judgment of death. Jan. 23—Appeal taken.	Feb. 16, 1875—Transcript filed. Feb. 25—Appellant's brief filed. Mar. 2—Respondents' brief filed. March 10, 1875—Judgment and order affirmed.	March 12, 1875—Remittitur issued.	
March 14, 1874—Indictment filed. Aug. 29—Verdict, murder in first degree; punishment, imprisonment for life. Sept. 8—Judgment rendered. Nov. 16—Appeal taken.	Nov. 25, 1874—Transcript filed. Jan. 11, 1875—Appellant's brief filed. April 7, 1875—Respondents' brief filed. May 21—Judgment affirmed.	May 22, 1875—Remittitur issued.	
Oct. 7, 1873—Complaint filed. Dec. 10—Demurrer filed. April 21—Demurrer sustained and judgment rendered for defendant. January 8, 1875—Appeal taken.	Feb., 1875—Transcript filed; appellant's brief filed. Oct. 7—Judgment affirmed.	Remittitur issued.	
Sept. 9, 1874—Indictment filed. Dec. 6—Verdict, murder, second degree. Dec. 8—Sentence, State Prison, ten years. Dec. 9—Appeal taken.	Jan. 6, 1875—Transcript filed. Jan. 11—Appellant's brief filed. May 10, 1875—Judgment reversed and new trial granted.	June 5, 1875—Remittitur issued.	
Aug. 3, 1874—Indictment filed. Nov. 30—Demurrer filed. Nov. 30—Demurrer sustained. Dec. 29—Appeal taken by the People.	Jan. 9, 1875—Transcript filed. April 16—Stricken from the calendar for want of service of notice of appeal.		

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TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Thos. Barry, Appellant.	Certiorari from Third District Court, Alameda County.	Criminal action—Misdemeanor. Removed to District Court on writ of review, and appeal taken from judgment of the Court.	By indictment—For selling liquor within two miles of the State University.
The People, etc., Respondents, v. Volney Cleveland, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Francis M. Hust, Appellant.	County Court, Tehama County.	Criminal action.	By indictment—Embezzlement.
The People, etc., Respondents, v. Daisy Curtis, Appellant.	County Court, Alameda County.	Criminal action.	By indictment—Perjury.
The People, etc., Respondents, v. Christian Colson, Appellant.	Nineteenth District Court, City and County of San Francisco.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
April 10, 1874—Indictment filed. May 13—Verdict, guilty. May 19—Sentence, fine of \$80. July 2—Writ of review from District Court. Nov. 10—Judgment of District Court, sustaining action of County Court. Dec. 1—Appeal taken.	Jan. 23, 1875—Transcript filed. Aug. 4, 1875—Appellant's brief filed. Sept. 14—Judgment affirmed.	Oct. 12, 1875—Remittitur issued.	
Sept. 12, 1874—Indictment filed. Nov. 30—Verdict, guilty. Dec. 9—Sentence, State Prison, two years. Jan. 2, 1875—Appeal taken.	Feb. 1, 1875—Transcript filed. April 26, 1875—Judgment reversed, with directions to Court below to set aside the indictment.	May 22, 1875—Remittitur issued.	
January 6, 1875—Indictment filed. Jan. 23—Verdict, guilty. Jan. 27—Sentence, State Prison seven years. Jan. 28—Appeal taken.	February 8, 1875—Transcript filed. May 18—Submitted. May 21—Judgment reversed and new trial granted.	June 21, 1875—Remittitur issued.	
July 17, 1874—Indictment filed. July 28—Verdict, guilty. Aug. 18—Sentence, State Prison one year. Oct. 9—Appeal taken.	February 18, 1875—Transcript filed. April 16—Argued and submitted. April 26, 1875—Judgment affirmed.	April 28, 1875—Remittitur issued.	
August 3, 1874—Indictment filed. Jan. 18, 1875—Verdict, murder in second degree. Jan. 22—Sentence, State Prison ten years. Feb. 3—Appeal taken.	March 2, 1875—Transcript filed. April 16—Submitted. April 19—Judgment affirmed.	May 21, 1875—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Chas. H. Osborne, Appellant.	Fifteenth Dist. Court, City and County of San Francisco.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. John Allen, Appellant.	County Court, Shasta County.	Criminal action.	By indictment—Assault with a deadly weapon.
The People, etc., Respondents, v. Matthew Murray, Appellant.	Tenth District Court, Colusa County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Z. W. Bowen, Appellant.	County Court, Solano County.	Criminal action.	By indictment—Assault to rape.
The People, etc., Respondents, v. Ah Dat, Appellant.	Second District Court, Butte County.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
August 3, 1874—Indictment filed. Nov. 6—Verdict, manslaughter. February 19, 1875—Sentence, State Prison seven years. Feb. 19, 1875—Appeal taken.	March 5, 1875—Transcript filed. April 16, 1875—Judgment affirmed.	May 13, 1875—Remittitur issued.	
January 6, 1875—Indictment filed. Feb. 11—Verdict, guilty. Feb. 16—Sentence, State Prison two years. March 5—Appeal taken.	March 24, 1875—Transcript filed. May 11—Appellant's brief filed. May 20—Respondents' brief filed. May 21—Judgment reversed and new trial granted.	June 21, 1875—Remittitur issued.	
October 21, 1874—Indictment filed. December 18—Verdict, murder in second degree. February 15, 1875—Sentence, State Prison ten years. Feb. 18, 1875—Appeal taken.	March 13, 1875—Transcript filed. October 13, 1875—Judgment affirmed.	November 8, 1875—Remittitur issued.	
Dec. 23, 1874—Indictment filed. Dec. 30—Verdict, guilty. January 11, 1875—Sentence, State Prison ten years. March 3—Appeal taken.	March 20, 1875—Transcript filed. April 20—Appellant's brief filed. May 17, 1875—Judgment reversed and new trial granted.	June 14, 1875—Remittitur issued.	
Jan. 7, 1875—Indictment filed. March 11—Verdict, murder in second degree. April 6—Sentence, State Prison twelve years. April 6—Appeal taken.	April 12, 1875—Transcript filed. April 16—Appellant's points filed. April 23—Respondents' points filed. May 3, 1875—Judgment reversed and new trial granted.	May 29, 1875—Remittitur issued.	

COPY OF ATTORNEY

TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents. v. Francisco Thompson, Appellant.	County Court, Santa Cruz County.	Criminal action.	By indictment—Housebreaking.
The People, etc., Respondents, v. Thomas Mora, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Forgery.
The People, etc., Respondents, v. Chow Ah Cow, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Assault to rape.
The People, etc., Respondents, v. Walter Resley, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Grand larceny.
The People, etc., Respondents, v. Walter Resley, Appellant.	County Court, San Joaquin County.	Criminal action.	By indictment—Burglary.
The People, etc., Respondents, v. V. Amanacus, Appellant.	County Court, Solano County.	Criminal action.	By indictment—Assault to murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of Judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
Jan. 4, 1875—Indictment filed. Jan. 12—Verdict, guilty. April 6—Sentence, State Prison, one year. Feb. 3—Appeal taken.	April 13, 1875—Transcript filed. Aug. 23—Appellant's brief filed. Oct. 26—Judgment reversed and new trial granted.	Remittitur issued.	
Dec. 14, 1874—Indictment filed. Feb. 24, 1875—Verdict, guilty. March 20—Sentence, State Prison, ten years. May 6—Appeal taken.	May 25, 1875—Transcript filed. Oct. 7, 1875—Judgment affirmed. Rehearing granted.		Still pending.
Dec. 14, 1874—Indictment filed. March 8, 1875—Verdict, guilty. March 13—Sentence, State Prison, two years and six months. Mar. 18—Appeal taken.	May 26, 1875—Transcript filed. July 13, 1875—Argued and submitted. Sept. 14, 1875—Judgment affirmed.	Oct. 12, 1875—Remittitur issued.	
March 19, 1875—Indictment filed. April 5—Verdict, guilty. April 15—Sentence, State Prison, three years. May 27—Appeal taken.	June 2, 1875—Transcript filed, and appellant's brief filed. August 7—Respondents' brief filed. September 14—Judgment affirmed.	Sept. 22, 1875—Remittitur issued.	
March 19, 1875—Indictment filed. April 2, 1875—Verdict, guilty. April 15—Sentence, State Prison, two years and six months. May 27—Appeal taken.	June 2, 1875—Transcript filed, and appellant's brief filed. August 7—Respondent's brief filed. October 7, 1875—Judgment and order affirmed.	Nov. 2, 1875—Remittitur issued.	
April 20, 1875—Indictment filed. April 29—Verdict, guilty. May 6—Sentence, State Prison, seven years. May 27—Appeal taken.	June 5, 1875—Transcript filed. July 19, 1875—Appellant's brief filed. July 24—Respondents' brief filed. August 2—Judgment affirmed.	Aug. 28, 1875—Remittitur issued.	

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TIME OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of case—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. M. Martis, Appellant.	County Court, Sonoma County.	Criminal action.	By indictment—Rape.
The People, etc., Respondents, v. John J. Marks, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Embezzlement.
The People, etc., Respondents, v. W. F. Ensign, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Burglary.
The People, etc., Respondents, v. Wm. Bonner, Appellant.	Eighteenth District Court, San Bernardino County.	Criminal action.	By indictment—Murder.
The People of the State of California ex rel. John L. Love, Attorney General, v. J. E. Goux, Administrator of the estate of August Leopold Mangard, deceased.	First Dist. Court, Santa Barbara County.	Civil action.	By complaint to reduce to possession of the State the escheated property of estate of deceased, intestate, dying without heirs.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
April 7, 1875—Indictment filed. April 14—Verdict, guilty. April 14—Sentence, State Prison, five years and six months. June 1—Appeal taken.	June 12, 1875—Transcript filed. September 28—Appellant's brief filed. Oct. 7—Judgment and order affirmed.	Nov. 2, 1875—Remittitur issued.	
January 4, 1873—Indictment filed. April 28, 1875—Verdict, guilty. May 22—Sentence, State Prison, seven years. May 24—Appeal taken.	June 18, 1875—Transcript filed. July 13—Appellant's brief filed. Aug. 2—Respondents' brief filed. Sept. 20, 1875—Judgment and order affirmed.	Sept. 20, 1875—Remittitur issued.	
Oct. 27, 1873—Indictment filed. Aug. 28, 1874—Verdict, guilty. Nov. 17—Sentence, State Prison, four years. Jan. 18, 1875—Appeal taken.	June 21, 1875—Transcript filed. July 27—Appellant's brief filed. Aug. 7—Respondents' brief filed. Oct. 7—Judgment and order affirmed.	Oct. 7, 1875—Remittitur issued.	
Sept. 11, 1874—Indictment filed. Oct. 10—Verdict, guilty of murder in the first degree; punishment, imprisonment for life. Oct. 15—Judgment rendered. February 18—Appeal taken.	June 30, 1875—Transcript filed. July 8—Appellant's brief filed. July 13—Argued and submitted. July 13—Judgment affirmed.	July 20, 1875—Remittitur issued.	
Aug. 24—The Judge of First District Court, for Santa Barbara County, entered order directing the Attorney General to reduce to possession of State the property of deceased, intestate, dying without heirs. Said order was transmitted to the Attorney General, and received by him Sept. 4, 1875. (See Civil Code, Sec. 1405.)			Oct. 6, 1875—Sent complaint to J. H. Kincaid, District Attorney of Santa Barbara, with directions to prosecute the action.

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TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. David Turley, Appellant.	Sixth District Court, Sacramento County.	Criminal action.	By indictment—Murder.
The People, etc., Respondents, v. Wm. Cloonan, Appellant.	Municipal Criminal Court, City and County of San Francisco.	Criminal action.	By indictment—Burglary.
The People, etc., Respondents, v. C. W. Thrall, Appellant.	County Court of Calaveras County.	Criminal action.	By indictment—Accessory after the fact of robbery.
The People, etc., ex rel. J. N. Thompson, v. J. W. Perry.	Twentieth Dist. Court, County of Santa Clara.	Civil action.	By complaint for usurpation of the corporate privileges of the Saratoga and Pescadero Turnpike and Wagon Road Company.
The People, etc., Respondents, v. H. H. Granica, Appellant.	Thirteenth Dist. Court, Fresno County.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
May 22, 1875—Indictment filed. June 12—Verdict, murder in the first degree. June 28—Judgment of death pronounced. July 19—Appeal taken.	July 31, 1875—Transcript filed. Oct. 25—Appellant's brief filed. Nov. 9—Respondents' brief filed. Nov. 16—Judgment affirmed, and the Court below directed to fix a day for carrying the judgment into execution.		Still pending.
April 12, 1875—Indictment filed. May 28—Verdict, guilty. July 17—Sentence, State Prison, five years. Aug. 10—Appeal taken.	Sept. 25, 1875—Transcript filed. Appellant's brief filed. Nov. 16, 1875—Respondents' brief filed.		Still pending.
March 2, 1875—Indictment filed. June 17—Verdict, guilty. Sept. 15—Sentence, State Prison, four years. Sept. 21—Appeal taken.	Sept. 29, 1875—Transcript filed. Oct. 15—Appellant's brief filed. Oct., 1875—Submitted. Oct., 1875—Judgment reversed and new trial granted.	Remittitur issued.	
Petition to Attorney General for leave to sue in name of the People. October 21, 1875—Leave granted. D. W. Herrington, San Jose, relator's attorney.			
January 7, 1875—Indictment filed. July 10—Verdict, guilty of murder in first degree; punishment, imprisonment for life. October 22—Judgment rendered. October 28—Appeal taken.	November 2, 1875—Transcript filed. November 16, 1875—Argued orally and submitted.		Still pending.

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TITLE OF CAUSE.	In what county, district, and Court instituted, tried, and adjudged.	Character of cause—civil or criminal.	Mode of prosecution and nature of demand or crime.
The People, etc., Respondents, v. Charles Lyon, Appellant.	Thirteenth Dist. Court, Tulare County.	Criminal action.	By indictment—Murder.

GENERAL'S DOCKET—Continued.

Stage of proceedings in Court below.	Memorandum of judgment in Supreme Court.	Memorandum of process issued.	REMARKS.
June 9, 1875—Indictment filed. September 30—Verdict, manslaughter. October 2—Sentence, State Prison six years. October 2—Appeal taken.	November 1, 1875—Transcript filed. November—Submitted on briefs to be filed.		Still pending.